

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**CKRC**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS MT. ELGON CONSTITUENCY  
AT KAPSOKWONY HIGH SCHOOL**

**ON**

**29 JULY, 2002**

CONSTITUENCY PUBLIC HEARINGS MT. ELGON CONSTITUENCY HELD AT KAPSOWKWONY HIGH  
SCHOOL ON 29.07.02

## PRESENT

Com. Mosonik Arap Korir - in chair  
Com. Lenaola Isaac  
Com. Zein Abubakar

## Secretariat in Attendance

Hassan Mohammed - Programme Officer  
Joyce Wamucii - Assistant Programme Officer  
Marion Nekesa - Verbatim Recorder

The meeting started at 10.25am with Com. Mosonik in Chair.

**Com. Mosonik Arap Korir:** .....kuna Bwana Hassan Mohammed ambaye ni huyu, yeye ni Programme Officer katika Tume. Tena ako na naibu wake Assistant Programme Officer Bi. Joyce Wamucii, upande ule mwingine. Halafu wa mwisho ni Marion Nekesa ameketi upande huu, yeye ni Verbatim Recorder. Verbatim Recorder ni kusema yeye ana nasa maoni yenu kwa kanda ama kwa machine. Tuonyeshe namna hii tafadhali tuione? Kwamba yale yote mtayasema yatanaswa moja kwa moja kwa kanda.

Assistant Programme Officer ambaye yuko upande ule, yaani Joyce, atakuwa pia akiandika maoni yenu mukiyasema. Kwa hivyo kuna njia tatu tutachukua maoni yenu, yatakuwa yakinaswa kwa kanda, halafu Assistant Programme officer atakuwa anaandika, inaitwa long hand, pia sisi Ma-Commissioner watatu tutakuwa tukiandika mkisema. Wakati mwingine mkiona kama hatuandiki, hiyo recorder inafanya kazi, verbatim. Tukirudi Nairobi everything we will transcribed.

Taratibu ya kazi ya leo ni kwamba, kwanza kila mtu akiingia anajiandikisha mlangoni kwa form hii, registration form. Ukijiandikisha unasema kama utatoa maoni ama hata kama unahudhuria tu mkutano ama kikao unaandika, na unasema mimi nitakuwa tu observer. Ukisema una maoni ya kuyatoa, unaeleza kama ni maoni yameandikwa yaani memorandum, au written au tuseme maoni ya kutoa kwa mdomo tu na ukitoa kwa njia hiyo tunasema oral submissions; Memo, written, oral.

Mkitoa maoni ambayo mumeyaandika sheria inahitaji kwamba upewe dakika tano. Tutakuwa tunajaribu kulinda saa, kwa

hivyo musizidishe. Ikiwa yote yameandikwa, tutayasoma baadaye. Kwa hivyo ukiwa unasema, useme kwa ufupi, hasa mtoe mapendekezo, kueleza mambo sana hakuna hoja. Kwa ajili sisi ni Wakenya kama nyinyi na tunajuwa mambo yalivyo. Usiseme sisi Tumeudhika na kuwa maskini sana tunajua hiyo. Lakini useme ndiyo, kutoa umaskini tufanye namna hii, mapendekezo. Mtagunduwa kwamba mkisema kutoa maoni yaani mapendekezo utasema kwa ufupi, itakuwa ni fupi.

Ikiwa unatoa maoni tu kwa mdomo, unafanya oral submissions, tutakupa karibu dakika kumi hivi. Lakini tutawahimiza mfupishe ndio kila mtu apate nafasi ya kusema. Lugha rasmi tunazitumia ni Kiingereza, au Kiswahili. Tungependa sana kama watu watatumia hizo lugha mbili, ndio tusichukue muda mwingi. Lakini kama una shida na hiyo lugha, na ningependa kutumia lugha ya nyumbani, tunaweza kukusikiza, na ninafikiri Bwana Co-ordinator kuna watu wa kutafsiri. Yes.

**Mr. Murugulu:** .....(in audible)

**Com. Mosonik Arap Korir:** Yes, ambaye anajua kutafsiri, kwa ajili hizo ni lugha kubwa za area hii, mnaweza kusema kwa hiyo lugha. Lakini kama mnajua Kiingereza na Kiswahili, tafadhali semeni kwa Kiingereza na Kiswahili. Mkiwa mumetoa maoni yenu, mnaelekea tena kwa Hassan Mohammed, Programme Officer mnajiandikisha ndio tuwe na anwani yenu na mambo mengi kwa kile kitabu cha Tume.

Ikiwa kuna mtu yeyote ambaye ana shida ya kusikia, do we have a sign interpreter? Hatuna sign interpreter wakati huu, mnaweza kumtafuta? Ama area hii hakuna? Tunadhania kwamba kila mtu anasikiza na anaweza kusema kwa mdomo. Okay, mtu yeyote akija hapo mbele kusema, unaketi upande ule, kuna hii meza na kiti na unasema kwa microphone. Na ukianza kusema unataja jina lako tena. Nitaita wewe, mtu wa kwanza nitataja jina, lakini akianza kusema ataje jina, ndio jina iende kwa machine, kwa rekodi. Okay, na tukiwa hapa, tunataka watu wajiandikiane ama waseme kuhusu maswala na maswali ya Kikatiba, issues and questions. Hatutaki kutaja majina ya watu.

Lugha tutakayotumia ni ile tunaita ya kistarabu, I think civilized language ya heshima. Hatutaki matusi na vitu kama hivyo. Na mtu akieleza maoni yake ana haki kamili ya kueleza maoni yake. Hata kama hautaki ama haupendi maoni ya huyo mtu, tumsikize mpaka mwisho kwa ajili utapata nafasi yako ya kusema vile wewe unaona. Na tena tukipiga kelele tutaharibu ku-rekodi, kwa ajili machine yenyewe inaharibika ikiwa watu wanapiga kelele. Na baadaye tukirudi tutapata kwamba kuna tu

kelele kwa machine na hakuna maoni. Kitu kingine ni kwamba Ma Commissioner wana haki ya kuuliza nyinyi maswali ya kufafanua. Unaweza kusema kitu, hatukuelewa vizuri, tutaaliza maswali, ama swali moja au mbili, na ikiwa una jibu, unajibu. Ikiwa haujafikiria, usijilazimishe kujibu, useme hiyo sikuwa nimefikiria vizuri. Ikiwa ni ngumu swala hilo, unasema hiyo ni kazi yenu Ma-Commissioner, nyinyi ni experts and I am a raia. Lakini nimetoa maoni yangu.

Tunataka iwe ni majadiliano ya kirafiki na tena ya kizalendo kwa ajili ya Katiba yetu. Kesho ilikuwa tunatakiwa tuwe kwa Constituency hii yenu, tuwe Cheptais Secondary, yaani kituo cha pili cha kukusanya maoni yenu, maoni ya watu wa Constituency hii. Lakini kwa ajili ya sababu zisizoweza kuepukika, hatutaweza kuwa na kikao cha kesho Cheptais. Tumeuliza itangazwe kwamba mkutano wa Cheptais Secondary School, itakuwa Jumamosi wiki hii. Saturday tarehe tatu mwezi wa nane. Kwa hivyo tafadhali, mtusaidie kuwatangazia wengine ambao hawako hapa leo. Asanteni, nafikiri sasa tunaweza kuanza. Kwanza kabisa tafadhali tunamualika Mheshimiwa W.A. Kisiero.

**W.A. Kisiero:** Honourable Commissioners, ladies and gentlemen, since I have the honour to be the first speaker here, I wish to welcome you to Mt. Elgon, feel very free. Bwana Commissioners, ni shukrani kubwa kwa ninyi kututembelea sisi, ili muangalie maoni yetu kuhusu mambo ya Katiba.

**Com. Zein:** Unaweza kusema jina lako?

**W.A. Kisiero:** Pole sana, jina langu ni Honourable Wilforce Kisiero former Member of Parliament for Mt. Elgon Constituency. Bwana Chairman, vile sisi tunafikiria ni kwamba hii Tume imekuja kwa wakati mzuri sana. Kwa maana hapo awali hatujawahi kuweka maoni yetu mbele ya Tume. Wale wenzetu walipoenda mbali huko Lancaster, hatukuwepo, lakini ni shukrani. Wakati umefika ambapo tunaweza sasa kutoa maoni yetu.

Bwana Commissioners, shida yetu kubwa katika community ya Sabaot, ni social injustice. Social injustice kwa vile kutoka muda mrefu Tumepata maumivu. Maumivu yaliyoletwa na binaadamu. Na hayo maumivu yanahusu ardhi, na yanahusu haki zetu. Yanahusu ardhi kwa maana sisi hatuna nchi. Ikiwa mtaweza kuniruhusu, ni quote tu a small verse ya kusema ya kwamba, ingawa tulikuwa tunaishi nchi kubwa ya Bungoma yote na Trans-Nzoia yote, lakini wakoloni walituvuruga na kutufukuza. Kwa

hivyo hatuna nchi, hatuna mahali na wenyewe waliweza kuandika kusema kwamba, hawa watu hawana nchi, they have no country they can call their own.

And Bwana Chairman, utaweza kujionea mwenyewe, katika documents ambazo tutakupa ambayo zilitolewa kutoka Kenya Land Commission in 1932, paragraphs 1082 ambapo walisema hawa Elgon nyar Sabaot, they are an embarrassment, they must be thrown out. Utaona pia katika paragraphs 1081 ya kwamba, hawana mahali pa kuishi. Lakini kwa maana wao ni kabila linakufa, they are dying race, therefore there is no need for them to have land. Utaona pia katika paragraph 1082 ya summary ya Kenya Land Commission ya 1932 ambapo ilisemekana kwamba, watahamisha wa Sabaot, wa Elgon kwenda nje ya Kenya, ili kupatia nafasi ya wakoloni. (*Problems incurred in Tape one*)

And they assumed that they can as well go and stay in Sebei. They went on further to say that the policy of administration is to move the Engwen off the farm, where they are an embarrassment to the European settlers and to the government. So we are an embarrassment to the government of the day.

Mr. Chairman Sir, I have another quotation that will illustrate our ills that they have not stopped as yet. I was reading yesterday's Standard and I was not surprised to read the following; ..... "Thrown into the western alliance for good measure are the Kuria, the Teso and the Sabaot, the three smaller communities in Western Kenya that have been politically annihilated by the Luo and Luhya in the region". So I was on the subject of social justice. Here are people who were thrown out and when they came to Western Province where they are now, they have been annihilated, we are nobody.

There have been no boundary. Although Mt. Elgon was given a district some years back, 1993, we have had no boundary demarcated. Infact it would have been fair to divide the two districts into two and the issue is finished. But you can see that social injustice is still with us upto yesterday, maybe even today and it will continue. Because basically, we were uprooted from our ancestral land. Now, since this has happened, we are begging the Commission to consider special provision in the Constitution which will reinstate our right to our land.

We request the Commission to consider making a provision for compensation for the loss that we have gone through. We

request the Commission to make a provision to ensure that the Sabaot who because they have become few, they were scattered some went to Tanzania. Some went to Uganda, some went to Maasai land, some went to Pokot. They went everywhere, so the few numbers remained. Now that we are very few, we are requesting that the Commission considers the possibility of creating special seats for Parliamentary, for other elective positions, for appointments in various positions because this has been done to other communities elsewhere in the world. I am sure you have read the Constitutions of very many countries, you have read Australia, Canadian and so on, where indigenous who were dis-possessed and mistreated had their rights returned back to them.

Mr. Chairman Sir, we also request that in view of that fact that we were so mistreated and thrown out we would like our land to be returned back to us because we have no business being in Kenya if the present government does not consider that we were maltreated, mistreated, thrown out and the government should really have a look at such cases. We need something back, we are not saying that we want to throw out anybody from anywhere, from any land, no. We would like to be recognized as the owners of Trans-Nzoia and parts of Bungoma from where we have been pushed out, so that our rights are returned because what is the need Mr. Chairman Sir, for the NGOs to go singing in the streets and villages that there are human rights. Human rights for what? If I don't have what was mine, if it is not returned to me, what is the use?

Therefore Mr. Chairman Sir, we hope and pray that your group will look into the plight of the smaller communities particularly the Sabaot so that you make provisions in every aspect of the Constitution to protect their interests and their rights because they also want to enjoy the fruits of what you are going to do. They want to be happy like any Kenyan. Because the Sabaot, like other small tribes, know that Kenya is basically an ethnicity country. Kenya is nothing but tribalism, you can see it now. The big tribes are showing how mighty they are, they are singing about the Presidency and the small ones dare not speak, they have no weight, they have nothing to claim on their side and therefore, please, the Constitution should take into account the plight of the small people. Thank you very much.

**Com. Mosonik Arap Korir:** Mheshimiwa just wait a bit.

**Com. Lenaola Isaac:** Thank you Mheshimiwa Kisiero. I am very interested as a person on the question of land rights and

land restitution. And you have spoken on two aspects of the land issue in Sabaot land and Mt. Elgon generally. One is restitution of land, we return the land. And two is the question of compensation, I asked the same question in Maasai land because I am interested in knowing. When you say compensation, are you talking about compensation in money term or are you talking of compensation in other terms? If you say in money terms, have you applied your mind to how much you think you ought to be paid in compensation?

Why I am asking this is because you have touched on Canada and Australia, where we have cases where they have been paid substantial sums of money to compensate them for land that was lost, many years after the land was lost. Have you applied your mind to the amount that you are going to be paid as I asked in Maasailand?

Two, when you say reinstitute the land rights and take us back to our land, then you say we don't want people to move out, what do you do with those who live on what was previously Sabaot land, how do we deal with them in the Constitution?

**Com. Zein:** Related to the first question which has been asked by Commissioner Lenaola, I would also like to ask in respect to compensation, are you asking for compensation for the period you were taken out of this land or are you asking for compensation to include for the people who perished, because you said there people who died?

**Injection:** (inaudible)

**Com. Zein:** Kama alivyomba yule Bwana, na nitazungumza taratibu, sisemi naenda mbio. Anasema tutumie Kiswahili ndio wazee wengine ambao wanataka kujua mambo haya wafahamu tunazungumza nini, ndungu yangu hapa Commissioner Lenaola amekuuliza kwamba nyinyi jambo moja mlilodai mzee wangu ni kwamba mnataka wa Sabaot wafidiwe, walipwe fidia. Sasa swali ninauliza fidia hiyo ilipwe tu kwa ardhi zilizotoka mikononi mwenu au zilipwe pamoja na mifugo mliopoteza wakati huo, watu waliokufa au kuumia, pamoja na ukosefu wa uzalishaji wa mali kutoka wakati huo mpaka sasa kama unachanganya na hiyo.

Halafu kama nimekusikia vizuri mzee wangu unasema kwamba district hii ya sasa haitoshi, ingefaa igawanywe mara mbili. Mara mbili vipi? Ni hayo tu.

**Hon. Kisiero:** Asante. Kwa jambo la compensation, tunavyoonelea ni hivi, kwa saa hivi, watu wengine, yaani ma-settler weusi tayari walishakalia nchi hasa Trans-Nzoia kwa wingi. Kwa vile hatutaki kuleta mfurugano mkali, tunasema hivi bado ziko shamba nyingi sana, maelfu, za ADC farm katika Trans-Nzoia, acre elfu nyingi. Turudishiwe hizo, hiyo ni ya kwanza. Ya pili, wazungu walikuwa wameweka compensation hata iko kwa hii document, ya two thousand pounds during those days. Lakini walipokuwa wanafanya administration, when they were now implementing the decision of the Commission, tarehe ishirini na nane, August 1934, serikali, PC wa siku zile akaandika barua kusema hapana, these native hata hawajui kutumia pesa, tena wacha sukuma hawa waende kwa ndugu zao huko Sebei. Wacha wapotee kama chokora waende.

Kwa hivyo tulikosa hiyo compensation, then there was a second compensation 1962,1963. There was a compensation of a hundred million dollars for land here in Trans-Nzoia but that must have only gone to the black settlers who were not Sabaots. They brought every Dick and Harry to occupy our land and they settled them and presumably they spent that compensation and the Sabaot were not settled. There was a settlement scheme here, Tongaren, Naitiri area, they settled only the Luhya, Sabaots were told no, no, nyinyi kaa, mtakuwa settled upande North along the mountains but it was never to be upto this day. There is no settlement scheme for the Sabaot mpaka wa sasa. Kwa hivyo tunasema apart from the ADC farm, we also request that we must be compensated in terms of money because our people died along the way, in Uganda some are still in Ruwenzori mountains, some have crossed into Zaire, some have gone as far as Sudan and Maasai land.

You can hardly tell, when they are here, they are Sabaot, when they are in Maasail land, they are Maasai. So we should be compensated also in monetary term. I know we cannot quantify, but we should be able to sit down and work out a figure that should be reasonable. But it should be reasonable enough to cover the rest of Trans-Nzoia district because as I have said, ADC farms are there. Assuming we are given those, then the balance, we work out the value.

Also here in Mt. Elgon and that is where the second question comes in, about the districts. Bwana Commissioner, we were in the same district with Bungoma for many years, and before that we were in Elgon Nyanza, and before that we were in what was North Nyanza, and before that we were in North Kavirondo. So all this time we have been suffering and we have been

killed the way the writer of yesterday's article who is a Luhya, Bob Wekesa, put in. He is not a Sabaot the one who wrote that those small tribes have been finished. Now eventually, it was agreed to give Mt. Elgon a district, but there has been no boundary between us and Bungoma. And we still say, we know the boundary where it used to be in 1908. We know it and everybody knows, why can't the boundaries be moved there.

And then we will have a district, and then we won't have to quarrel with our good friends, our neighbors and I must add here that we have no war with the Bukusu or any other Luhya tribe. We are good friends. The people with whom we have the major war are the colonial government and their successor because they have not assisted us to be able to get our rights back. So that is the boundary I was talking about.

Bwana Lenaola in case I didn't answer one of your questions, please assist me. Those who are there, they stay, we have no wish that anybody is removed but it becomes part of Sabaot area and this is why we are saying Mt. Elgon must be administered in Rift Valley, because that is where our other people are and that is where our real original land was. So that is one of the requests that we are making and it will bring us together, and probably I forgot area about for compensation. When our people went sojourning all over the world, when they came back, they were no longer behaving like the Sabaot. Those from Tanzania behaved differently, those from Western Uganda, they have different behaviours, and those from Kapenguria and so on and so on.

So this social injustice is so severe because we are no longer a tribe, we are polyglot, we are a mixture of patched-up fellows, they destroyed our culture, they destroyed our cohesiveness. We are nobody, and that is why we want to be somebody. This is why we are requesting the Commission to look into our plight. Thank you.

**Com. Mosonik Arap Korir:** Asante sana. Mheshimiwa amekuwa akisema kwa niaba ya Sabaot Council of Elders, amechukua muda mrefu kwa ajili ya hiyo. Kwa hivyo wale wengine watasema tafadhali mtumie dakika tano kama una memorandum ama dakika kumi isizidi bila memorandum.

**Chemuoti Arap Sagon:** Chairman, the Commissioners Sir, my name is Chemuoti Arap Sagon. I am a Baptist Pastor, at the same time the Secretary of the Sabaot Elders. I am going to touch on a few issues some of them might have been captured by

the Elder who was a head of me and those which have not been captured, I will say them in verbatim.

1. The Mt. Elgon people particularly Sabaots are an indigenous marginalized people of this country. They have become a minority. I am talking about their rights, I am talking about the indigenous marginalized peoples' rights. The Sabaot who in the records are referred to as Elgonyi, in some records they are referred to Elgon Maasai, are the indigenous, they are marginalized, they have become a minority, according to the reasons that have been given. They have been dispersed all over to be made a minority.

We are saying that being a marginalized group they should benefit from the universal declaration of rights of the indigenous peoples of December, 1990, which the UN General Assembly resolved in their Article 45/164 proclaiming 1993 as an International year of the world indigenous people. The same Article goes further and declares the years 1995 to the year 2004, as a decade of the world's indigenous people.

Mr. Chairman Sir, we are requesting that Kenya should domesticate these declaration in their Constitution so that it can accommodate the rights and the demands of indigenous people like these ones of ours.

2. Mr. Chairman Sir, we in Mt. Elgon are, if you would have time to go across, you would have seen the nature, the ragged terrain of this country. We live in a mountainous terrain. Like other countries elsewhere in the world, research has established that such places are not priority when it comes to development. You know that apart from being in the mountain, we are also on the border of another country. That is why, if you are given time to move across you will not see a single inch of Tarmac road in this district. Therefore it is our prayer that our Constitution should have a provision for special development programmes for such areas like this one, to bring the area at par with other parts of Kenya which have well developed infrastructure and other development projects. Mr. Chairman Sir, I want to say one thing, as we are in Mt. Elgon, we want to request that any other communities which are not Sabaots who live among us are part of us, and we would like when we make such demands, we should make the demands collectively, they should not feel isolated.

**Interjection:** (inaudible)

**Com. Mosonik Arap Korir:** Excuse me, I don't ..... Lakini unajua yeye anatoa maoni kwa Tume, akitumia ile lugha yeye anaelewa. Kwa hivyo hatuko kwa majadiliano kati yenu na yule msemaji. Tunasikiza yeye kwa makini.

**Chemuoti Arap Sagon:** Thank you Mr. Chairman. I thank you very much because sometimes when you try to put what you have in a different language, when you put it in another language, it becomes distorted and you don't deliver.

Mr. Chairman Sir, the third bit of it is the Land rights Act. I would like to make a biblical quote, according to the book of Deutronomy, chapter 32 verse 8 this is what it says according to NIV, "When the most high gave the nations their inheritance, when he divided all mankind, he set up boundaries for people according to the number of their sons of Israel". That is why you see the Indians in India, that is why you see the Germans in Germany, the French in France, name it. It is our Almighty God who made that and it is a God given right. Another quote is from the book of Acts, chapter 17 verse 26, it says," From one man he made every nation of men that they should inhabit the whole earth and he determined the times and set for them the exact places where they should live." Mr. Chairman Sir, there is abundant evidence in the books, in the archives that the Elgonyi people being the indigenous people of Bungoma district, Mt. Elgon and Trans-Nzoia districts and the advent of the colonial government, they have since then been disbursed in the whole corners of this continent. They were forced to become a minority, they have been marginalized. Their lands especially in Trans-Nzoia were occupied by white settlers. The problem is when the settlers left, at the eve of independence, they never handed back the lands they occupied to their rightful owners.

What our independent government did was, to rob one man and award another person. In Bungoma the Sabaots were pushed away by the colonial government also by the help of some very strong chiefs at that time. What we are saying here Mr. Chairman is that, this was a major historical wrong. It is a historical injustice, it was malicious. That is why today, the people seated here, nearly 70% of them are landless. And when they come across this document and they are landless, they feel bitter.

Some of us Pastors have a problem because we now get involved in sorting out conflicts, managing conflicts. And it is not very easy to manage a conflict which has been started by a young man who is strong and has bubling blood in his veins.

1. What we are saying is that the Constitution should give an allowance for restitution of the said land.
2. We have talked about compensation. Apart from that bit of compensation which Mheshimiwa was talking of monetary fine and others, I would add something. It is also good because they have been marginalized, it is also good to compensate them in terms of development, because that is one way of considering them.
3. It is a request that we make a provision for the wronged communities to seek redress from specially set courts of law. We are not the only people who have been marginalized, there are many many other tribes. If you go to the Coast, the Mijikendas and everybody else, have had a problem. Borrowing from other countries like the Australian and the Aborigines, there is that example of the North territory land rights of 1976, if we went along that it would help us. Once we have done that Mr. Chairman Sir, we shall have brought to an end the perennial tribal clashes called conflicts which according to me, are a shame to our noble nation.
4. The new boundaries- Mheshimiwa has mentioned something about the boundaries and I don't think I should be repeating - colonial boundaries did not put into consideration community interest rights and affiliation. The current boundaries should be reviewed under specially set Commissions to determine the original district boundaries and shift the said districts to provinces of their choice, to avoid tribal exploitation of minority communities. Mr. Chairman Sir, I am saying this because these words majority and minority have been borrowed from places where people are from the same community, have the same language.
5. When it comes to Kenya, I don't know whether we talk of democracy when you talk of majority, perhaps we talk of tribacracy. And when you are a small minority group, you suffer because nobody is going to assist you. Mt. Elgon district, we would precisely wish to be placed in the North Rift Valley, as demanded way back in 1962 to be attached to Trans-Nzoia as before and joined to their Kalenjin brothers.
6. I was talking about the systems of government, Mr. Chairman Sir, it would be good if we have federal system, perhaps some of the problems we have would be reduced. Power would be shared down the line. Maybe there is need to have a President who can be elected by popular votes, a Vice President who is elected by popular votes and along side that, it would be good to have a Prime Minister and his deputy who can be elected on popular votes. It is good to have a House of National Assembly and the Upper house. We are talking about the Upper house which would accommodate

all communities. Somewhere it says we have twenty tribes in Kenya, if each tribe was represented it would be quite good because everybody's voice would be heard.

7. Pastoral rights, we the Sabaot of Mt. Elgon are like Samburu, like the Maasai .....

**Com. Mosonik Arap Korir:** Your time is up can you summarize?

**Chemutit Arap Sagon:** Let me summarize, thank you. We are a pastoral group and we pray that we be given pastoral rights so that we have security and we can graze our animals anywhere, I mean other places. Finally, the institution of council of Elders should be put in the Constitution. Otherwise, thank you very much for listening. Thank you.

**Com. Mosonik Arap Korir:** Okay, Abraham Chebet, dakika tano please.

**Abraham Chebet:** Bwana Commissioner Sir, my names are Abraham Chebet. Kwanza ningependa Bwana Commissioner Sir, niruhusu niyaseme yale ambayo yananitiza haswa, if you can allow me to read the speech was read to assure the nation of Kenya by the first Prime Minister, waziri mkuu, mnamo tarehe tano, mwezi wa pili 1962. With your permission Sir, ningependa nisome, nikinakili yale yaliyosemwa na Waziri Mkuu,

“Mimi ninawaambieni mjihadhari kwa sababu watu wengine watakuja kuwadanganya, ‘oh nchi yako itachukuliwa na Wakikuyu, nchi yako itachukuliwa na Wajaluo, nchi yako itachukuliwa na Wakamba, mtasadiki mambo haya? “Umatu wa watu uliweza kujibu hapana.

Katika Constitution, katika Katiba mpya, serikali yenu imeahidi kwamba kila sehemu ya nchi kama ni nchi ya Maasai, itakaa kama ilivyo ikitawaliwa na wa Maasai wenyewe, kama ni nchi ya wa Kipsigis itakaa, ikitawaliwa na wa Kipsigis wenyewe. Kama ni nchi ya wa Nandi, wa Nandi wenyewe ndio watakua na utawala, kutawala nchi yao. Hiyo ni kusema ardhi yao, mashamba yao ni shauri yao, kujua watafanya nini nayo. Hakuna mtu kutoka nje kwenda kunyakuwa mali yao ikiwa ni wa Kamba wenyewe ndio watakaofanya mpango wa ardhi yao katika Ukambani. Ikiwa ni Ukikuyuni, ni wa Kikuyu wenyewe watakaofanya mpango wa nchi yao, ya ardhi yao. Pahali ambako watakaa wenyewe, ikiwa ni nchi ya wajaluo, wajaluo

wenyewe ndio watajua watafanya nini na mashamba yao, ikiwa ni wabaluha vile vile, ikiwa ni wa Pokomo vile vile. Ikiwa ni wa Turkana vile vile, ikiwa ni kila kabila pahali wanakaa, ardhi yao ni yao wenyewe. Kwa hivyo sasa watu wasije wakadanganya kwa sababu watu wengine watakwenda kutangatanga na kusema ooh nchi yako itanyag'anywa hii.

Bwana Commissioner Sir, sijui kama ni kweli kama mumekuja kuchua maoni yetu vile yalivyo. Sijui hii ilikuwa ni ya kupendekeza watu ili watu waishi hivyo. Nasema hivi, ningependekeza Katiba hii kupitia kwako Commissioner Sir, ya kwamba sisi vile imesemwa na wale wazee wengine wamenena ya kwamba ardhi yao kufuatana na hii Katiba ambayo ilisomewa watu wote, makabila yote, hii idumishwe na watu wenyewe ambao walipoteza ardhi yao wapate kupata kwa sababu hii ilikuwa ni hakikisho ambalo lilikuwa ni la Prime Minister. Kwa hivyo hili jambo limetendeka upande mwingine lakini kwetu hapa, haijafanyika vile imenenwa na wazungumzaji kabla yangu.

Bwana Commissioner Sir, ningependa niseme jambo lingine, ni jambo ambalo linatumika la democracy, ile inasema wengi wape. Wana historia wanajua ya kwamba demokrasia ilianza katika Greek, nchi wa Greek. Iianza katika mji wa Athens, na ilikuwa ni wa Greek wenyewe, ambao walikuwa wakiongea kuhusu jambo walilokuwa wakihusika nalo. Walipoona ya kwamba, jambo hilo halijakubalika, wakaenda kusema ya kwamba hebu twende kwa wingi, ndio wanasema wengi wape.

Ilikuwa ni wa Greek wenyewe, ambapo makabila mengine hayakuwako.

Kwa hivyo tunaona hili neno limetumika katika mataifa yote, ya kwamba democracy, wengi wape, go by the majority. Sasa ningependa hilo neno liwe thoroughly reviewed kabisa, kwa sababu ni jambo moja ambalo linatumika ya kwamba democracy ya wengi, itawezekanaje katika ardhi ambapo tunaishi watu makabila mbali mbali? Kwanza tukija upande wa uchaguzi, utaona ya kwamba wale watu ambao wana idadi ya watu wengi, watachagua mjumbe wao katika County Council au Parliament kufuatana na wingi wao.

Kwa hivyo makabila madogo ambao wako marginalized hakuna siku ambayo watu kama hawa watapata nafasi ya kuchagua watu ambao wangependa kuwa wakilisha. Kwa hivyo tunasema ya kwamba Katiba, tuwe na Katiba which reserves special seats kwa wale marginalized tribes, the small tribes, minority infact. Tuwe na special seats haswa katika Council, kama ni Municipality au County Council, hata katika Parliament, wawe tu na reserved special seats for those people. Kwa sababu

hakuna siku moja ambapo watu wa minority tribe watakuwa wengi, ili wawe waki-compete na wale ambao ni wengi.

Kwa hivyo Bwana Commissioner Sir, ningependa mu-recommend ya kwamba hiyo iwe hivyo. Jambo lingine Bwana Commissioner Sir, ni kuhusu mambo ya Provincial boundaries ambayo mwenzangu alisema. Hiyo vile tunajua mzungu alisema divide and rule. Na kwa kweli, sisi watu wa Sabaot tuligawanywa mara mbili katika ardhi ambayo ilikuwa ni yetu. Watu wengine wakabaki upande wa Rift Valley Trans-Nzoia district, wengine wakaletwa upande huu. Kwa hivyo hiyo boundary iwe removed kwa sababu, si sisi ndio tulikaa na wazungu, tukasema boundary iwe hivyo. Tunapendekeza ya kwamba, Provincial Administration boundaries iwe reviewed again ili, sisi vile wenzangu wamesema ya kwamba watu wa Sabaot wajiunge na wenzao ambao wazungu waliwagawa wakabaki upande wa Rift Valley. Kwa hivyo Bwana Commissioner, ningependekeza ya kwamba katika Katiba hii, mpendekeze hiyo mambo ya Provincial boundaries iwe reviewed.

**Com. Mosonik Arap Korir:** Sasa dakika tano imekwisha.

**Abraham Chebet:** Thank you, Bwana Commissioner Sir, jambo lingine ni mambo ya ardhi, kuhusu haswa process, ile procedure wanatumia kwa land registration, mambo ya kupeana title deed ambayo iko centralized katika Nairobi. Tungependekeza ya kwamba ili tu-easen the cost of a person traveling to Nairobi to collect his title deed it should be centralized or be brought, the whole issue to be brought to the district or divisional level. So that people can get their rights at the divisional level rather than traveling to Nairobi. Hiyo ninaomba kwamba hii Commission itaelekeza hivyo.

**Com. Mosonik Arap Korir:** Asante sana. Hillary Maasai Arap Bogose.

**Hillary Maasai:** Bwana Commissioner Sir, mimi ni Hillary Maasai Arap Bogose. Mimi kulingana na Commission ya Katiba ya Kenya, Director wa Kong'asis Constitution Review group. Muda mlionipa ni mchache muno. Nitajaribu kuongea kama computer. Kwanza kabisa, ningependa kuongea juu ya Katiba ya Kenya. Our Constitution has no preamble, the first speakers here have talked about the social injustice, so we want the preamble of our Constitution to recognize and correct the past injustices and these injustices should include colonialism.

Another thing that should be included in the preamble should be the embracing of the democratic values, achieve social justice and respect of fundamental human rights and individual freedom.

And lastly, on the preamble, I want the Constitution to set an ultimate goal that the Constitution should strive to uplift the living standards of Kenyans. I am talking so, because the Sabaot community basically is an agricultural community. Our maize which happens to be a major commercial crop here, is a disappointment because we do not sell at the value of production. So we want the Constitution therefore, to strive to uplift the living standards of the Kenyans.

Secondly, Mr. Commissioner Sir, I wish to talk about the arms of government. The first one that I am going to talk about is the type of the Executive that we prefer. We prefer a Presidential system of government, and we are saying that a President should at least get 25% of votes in at least 2/3rds of the existing regions because we support regionalism, majimboism.

I am going fast, I have given the duties of the President and all that, and I will move very fast to the type of the Executive we want. That happens to be a very touchy topic, it is so touchy that when you touch it, you are touching a Sabaot, and this is majimboism. As I said earlier, Mr. Commissioner Sir, we envisage a regional type of government. This is what we think, this is our view: We want our region to consist of the following parts of this country;

We want a clearly defined Mt. Elgon District,

Teso District,

Trans-Nzoia district, which happens to be our cradle homeland,

Marakwet district,

West Pokot and

Turkana,

to be our region. We want to call it the North Rift. That is what my group envisages but that can be changed and its headquarters should be at Katalal not Kitale. We are saying that these regions should be headed by the regional governor.

And a regional governor should come from that particular region and he should be elected by a special council. I say so because, sometimes, if you to the popular vote, it happens that the majority will always take the seat of the governor and

there you will be infringing the peoples' wishes.

The lowest form of the Executive that we envisage is that of the County authority. Currently we call them County Councils.

We are saying that the county authority should be the 'districts' that I have mentioned in quotes, those are what we call the country authorities. We should be a county authority. We want to say that the person who heads the county authority should be called the county authority chief.

In other words, Mr. Commissioner Sir, we are saying that the system of government that we have in the country right now, we have the Executive, that is the presidential system, we also have the provincial and we have the local authority. This is too much to the Exchequer.

Let me talk about Parliament now, we should have the Federal Republic of Kenya Parliament. It should consist of two chambers. We want the Lower House, which is a House of representatives and these representatives should be elected by the people. We also have the Upper house. The Upper house should have equal representatives from all regions.

The Upper house also should have representatives from all the ethnic groups in Kenya, Sabao included. We should also have the representatives from the county authorities.

I am moving very fast Bwana Commissioner, I now want to talk about the federal assemblies. We want to say that the federal assemblies should have the power to impeach the President. If a President does not .....

*(Tape ends, some words lost)*

**Com. Mosonik Arap Korir:** Tutasoma mbele y a.....

**Hillary Maasai:** Ya mwisho tu, one minute. I want to talk about the natural resources, we are endowed with a forest here, we are also endowed with world life in it. I wish to state that the community has not benefited from this natural resource. We want the natural resource to be managed and preserved by the county authority. And it's benefit should go directly to the people. In any case, a very small percentage should go to the central government, the federal government of

the Republic of Kenya.

Lastly Sir, let us not be tribal here. I want to quote Prof. Ali Mazrui, he delivered a lecture at KICC and the lecture was entitled ‘If African politics are ethnic prone, can African Constitution be ethnic proof’

**Com. Zein:** Excuse me Sir, we invited Prof. Ali Mazrui to give that Lecture.

**Hillary Maasai:** Yes.

**Com. Zein:** He gave that lecture to us the Commissioners, so we are familiar with the lecture. If you don’t quote from that lecture, would you loose anything? What you will gain is to give more people a chance to speak and contribute and the more people speak and contribute, the more we will reason and hear more views. So, with kind permission from you, if you don’t quote that which we ourselves instigated, we will be very very happy.

**Hillary Maasai:** It has something to do with my contributions, it simply says, let me paraphrase, let us not run away from our tribes, because we belong to tribes. Instead let’s look for tribal checkes and balances in our new Constitution for a peaceful Kenya.

**Com. Mosonik Arap Korir:** Just hold on Hillary, hold on please.

**Com. Lenaola:** Thank you very much Hillary, I am sure your paper is very well written, much more detailed but I would like to take two issues for clarifications. One, you talked about regional governors being elected by special councils. The question will be, who forms the special council and how many are they, and how do we elect them if at all elected or, who are they?

Two, on the question of land cases, you know I get a bit uncomfortable with the words; the land treaties must be honoured’ . The land treaties, for example the Maasai treaties moved Maasais from their land. If you say they must be honoured, you are saying let the Maasai be moved even further from those land. So are we saying that therefore they must be

honoured by people being moved out more? The Sabaot be moved more from their lands, what are you saying must be honoured?

**Hillary Maasai:** Thank you. As for your first question .....

**Com. Mosonik Arap Korir:** Ngoja kidogo tena.

**Com. Zein:** If you could elaborate abit on this concept of eviction but involving free will. Isn't that the same as what was done to the Sabaot, the colonial forces will claim that they evicted them in their free will?

**Hillary Maasai:** Now, as for the first question to the first Commissioner, when I talk about the special council to elect a regional governor, I am talking about representatives from the different counties. We should have an equal number of representatives from the counties. And when I talk about the representatives, I am talking about the members of Parliament and what you will find in my paper as the county representatives. They will form a special council that will then elect a regional governor, or if you like, a Senator.

Second question, treaties. It is an established fact that the colonial government had in those treaties accepted to compensate the Sabaot. So that quantifies my topic on compensation. We have to be compensated because that is what the treaty says, and at the same time the treaty establishes that we were moved from Trans-Nzoia. So we want us to positively honour the treaties.

And as for the last one, I used the term eviction with a lot of conviction. Because when we talk about moving them, allowing them to move on their own, this will take time, because land is the problem. So we want them to recognize the fact that the colonialism that was realized here was a social injustice. Therefore this eviction is not an injustice in itself. That is why it has that clause of a willed eviction. Thank you.

**Com. Mosonik Arap Korir:** Last one. Ukasema kwamba, North Rift Region, the headquarters as Katalael. How about

the rest of the country, how many regions if you have thought about it, should be there in total? You are dividing the Rift Valley into North, and what, and then are there others or we retain the present provinces for the rest of the country.

**Hillary Maasai:** Thank you very much. I talked about regionalism and majimbo and as I said we wish to call ours North Rift. And remember I said that Mt. Elgon as a district should be clearly defined because it has not been defined. Well, as a community we feel more affiliated to the communities in Rift Valley. And as the earlier speaker said I wish not to repeat, we want to go there.

But this time round, we want to go with those communities that somebody pointed out were put in the western countries so to speak as a matter of good measure. I have not thought about regions but I want us to come up with at least eight but I have come up with one.

**Com. Mosonik Arap Korir:** Eight,

**Hillary Maasai:** Yes. But I have come up with one.

**Com. Mosonik Arap Korir:** Okay, asante sana. Please submit that memorandum for recording. Sasa ningependa kutambua kwamba Mheshimiwa wa Mt. Elgon Constituency ameingia, Mheshimiwa John Kimkung asante sana, tutakupatia nafasi ukiwa tayari kutoa maoni yako asante sana. Sasa tafadhali, dakika tano, tano, eh tusirudie maneno. Chekma Siyoi?

**Chekman Siyoi:** Mwenyekiti wa Commission jina langu ni Chekman Siyoi kutoka Mt. Elgon. Ningependa kuzungumza machache tu kwa sababu wengine wamesema na hatuwezi kufungia wengine kama wana maneno yao ya kusema. Ningependa kuhimiza tu kwa mambo ya Political representation. Political representaition, ningependa kuunga mkono wale wamesema mapema ya kwamba, afadhali tuwe na chamber mbili ya Parliament; Senate yaani Upper house na Lower House ambayo tulikuwa tunaita zamani House of representativess.

Kwa kuunda hii, ningependekeza ya kwamba, House of representatives ambaye iko sasa, ninasema tuongeze Senate kwa sababu, House of representatives haitosheleshi saa hizi katika mahitaji ya kujadili mijadala tofauti. Tungependa kuwa na nyumba ya Upper house ambayo itakuwa itasahihisha editorial of some sort. Ku-edit hiyo maneno wamezungumza katika

Lower House, halafu ipitishwe vile ilikuwa zamani. Na composition ya House of representatives itoke katika constituencies zile approved under the Constitution.

Nominations katika House of representatives ziwe kutoka, tuiatie priority indigenous minority communities ambao hawawezi kuchagua mtu wao kuingia Bunge. Nikisema hivyo tuko na watu katika Trans-Nzoia, tuko na Sabaot, tuko na wa Teso, na makabila zingine nyingi, ambazo haziko represented, hata El-molo, wanatakiwa kuwa represented. Kama kuna nafasi, priority ipewe kwa hawa watu.

Upper House, the Senate, mipaka yake iwe katika ma district ambazo zimeundwa, sasa hivi tuko na district karibu sabini na moja. Na representatives wa Senate tutapeana, hii ni maoni yangu, ningependekeza one third ya hiyo Senate iwe ya minority indigenous communities elected by the councils of elders from those communities.

Jambo lingine, katika Senate, tuwe na nomination ya distinguished persons. Former judges and distinguished lawyers and other personalities, people who have worked in respectable, reputable international organizations for the purposes of polishing policy opinion.

Tuko na problem moja katika nchi yetu, nasikia wakina mama wanataka wapewe nafasi ya kuzungumza na ningependekeza hivi, katika House of representativess, wakina mama ninajua wana shida sana ya ku-mount campaign ile ambayo inawezesha hawa kuchaguliwa. Ningependekeza kila district, wachague mama mmoja ya kuingia katika House of representatives.

Katika hizi district sabini na moja, tutakuwa na wamama sabini na moja. Na katika hawa wamama ningependekeza tena hivi, tuwe na wa-mama kutoka minority communities kama kuna katika Mt. Elgon, Mt. Elgon is 90% or 95% Sabaot community, na tuna Wabaluha hapa. Tuna baluhya katika Bungoma na Kakamega na kadhalika.

Sasa kama mama amechaguliwa katika Mt. Elgon awe Msabaot, katika Trans-Nzoia awe Msabaot, kwa sababu zile

districts zingine zitakuwa zimechagua wamama wa kuenda katika hiyo Bunge. Hiyo ni mapendekezo ile mimi ninaona. And we shall be serving justice to the gender issue in this country.

Tunapendekeza federal government. Katika hii federal government, tutakuwa na regional assemblies katika regions zile ambazo zitakuwako. Na election to the regional assemblies be made from the administrative divisions of every district, and that will form the regional assembly of that particular region.

Ya mwisho Bwana Commissioner, ni mambo ya representation katika kazi. Kwa kazi tunaona ya kwamba, makabila yale makubwa makubwa ndio yanaangaliwa wakati kazi zinatokea. Tungependekeza ya kwamba tuwe na proportional employment programme ili makabila yale madogo madogo yawe representated kwa kazi katika parastals, katika civil service na kadhalika. Kwa hivyo kwa sababu tukitegemea tu ati wale ndio wanajua na saa ingine some of them are undeserving appointees, very undeserving Mr. Commissioner I am sorry, some of them are not capable.

Ya mwisho sasa, mambo ya mashamba, tumependekeza, tumehimiza na mmesikia, ya kwamba tungependa original land to be reverted to the original or indiginous communities. Walakini wale watu wamekuja kuishi hapa, hatutawafukuza. Ile kitu tunaomba tu ni hivi, serikali weka clause katika hiyo Constitution ya kwamba hawa watu ambao wamekuja kuishi na sisi, wamenunua mashamba hayo, wamenunua kama leases kutoka kwa community, because the land belongs to the community.

Wakati wao iwekwe kama miaka arobaini ama miaka hamsini, ita-expire when it expires, they should apply for renewal. It will depend on the council of that community to decide given his good behaviour, kama yeye ame-behave vizuri kwa miaka hiyo hamsini na watoto wake wame behave vizuri, wataweza kuangaliliwa na wapewe nafasi waendeleo kwa miaka ingine arobaini ama hamsini. Kama tabia yake ni mbaya ataambiwa, “Bwana wewe funga virago enda uishi town”. Kwa hayo machache Bwana Commissioner, asante sana kwa kunisikiliza.

**Com. Mosonik Arap Korir:** Asante. Sichei Musa Soyet?

**Sichei M. Soyet:** Bwana Commissioner, mimi ninaitwa Soyet Arap Sichei. Pointi yangu ya kwanza ambayo ningependa kutoa kwa Tume ya Kurekebisha Katiba, ningependa niseme hivi, when we talk about a tribe, mimi ninafikiria sio sisi ndio tulisema watu waitwe ma-tribes, Mungu mwenywe aliamua kutengeneza Mkikuyu, kutengeneza Mluhya, kutengeneza na Sabaot. Na sisi hatukufanya makosa yeyote kuitwa Sabaot, sisi nasi ni kabila kama kabila nyingine.

Ukiangalia katika bibilia imeweka mkazo kabila, inasema hata wakati Yesu atakaporudi, kila kabila lazima lipate huo ujumbe ndio Yesu arudi. Kwa hivyo hata mbele ya Mungu sisi Sabaot tunajulikana. Ningependa hii Constitution Review iweze kutoa mapendekezo na kwamba a tribe must be considered and it is supreme. Na hakuna kabila ndogo au kubwa, sisi sote ni makabila na tuko sawa mbele ya Mungu. Ningependa hiyo Katiba iweke namna hiyo.

Jambo la pili, Tumeongea juu ya marginalization, sisi Sabaot Tumenyanyaswa kabisa. Sisi Tumefinywa kabisa hata kiroboto ni afadhali. Na when I talk about marginalization, hata ukiangalia kwa hii Tume ya Kurekebisha Katiba, sijui kama Sabaot ako, hakuna Sabaot. Hiyo ni kuonyesha kwamba tulifinywa, sisi hakuna mtu anatumia. Hata wakati Commission ya Kiliku ilikuja hapa, hakuna Sabaot alikuwa ndani, Njonjo akakuja kwa ya mashamba, hakuna Sabaot alikuwa ndani. *Sasa ü mrechu*, mimi ninauliza, vile nimesema sisi ni kabila, hatuwezi kukumbukwa siku nyingine. Sisi tengesema Bwana Commissioner Tumefinywa kabisa, na tungependa Constitution iweze kukumbuka the indigenous minority tribes.

Tunavyosema sasa hata kwa hii Commission ya uchaguzi, sisi tuko na Co-ordinator tu peke yake ndio ako hapa. Lakini wale wa kubwa, kina Kivuitu, we also have, tuna lawyers, why don't we even have one there halafu sisi nasi tujisikie sisi ni Sabaot? Tangu Kisiero akuwe High Commissioner hatujapata High Commissioner mwingine mpaka leo. Sisi hatujakuwa na ma Directors, hakuna ma-Chairmen. Bwana Chairman wa Constitution Commission mtu angalie sisi Tumemalizwa. Na hata juji tulimalizwa, vile walileta Co-ordinator hapa wa Constitutional Review aliyekuwa Bukusu, sisi tukamfukuza.

Hiyo ni kuonyesha tunafinywa hata mpaka nyumbani, na kitu cha ajabu hata juji wameleta ati special center ya kuangalia juu ya watu wengine. Hata hii Commission yenyewe imeanza kufinya sisi, wanawekewa watu wengine, sisi tunasema weka

Kopsiro, Commission yenyewe inasema weka pale, that alone inaonyesha sisi Tumemalizika kabisa.

**Com. Mosonik Arap Korir:** Lakini hatukufanya hivyo. Sasa Tumefanya vile mlitaka, si ni kweli?

**Sichei M. Soyet:** Asante sana Bwana Commissioner, lakini wekea sisi moja Kopsiro. Maneno ya mashamba, hiyo hatuwezi ku-bargain. Mimi ni mwimbaji katika kanisa na tunasema “there is a land that is better than my home” sasa mimi ninauliza nyumbani kwetu ni wapi? Kwetu ni wapi kwa sababu sisi Sabaot hatuna mashamba. As one speaker said here, about 70% are landless, na sisi historia yetu inasema wazi, sisi tulikaa tangu Tororo, sisi tulikuwa tunaita Toror, tukakuja Kimelil, Kimilili, tukaishi Bongom, Bungoma, tukaishi Kibabi, tukaishi Kapchonge, mahali panaitwa Kachonge, namna hiyo, namna hiyo.

Mpaka leo sisi hatuko pale. We have no land, na kabla sisi hatuja kwenda mbinguni sisi tuko wapi? Tunauliza we are not going to bargain about land, I think we want this Constitution Review iweke wazi kwamba Sabaot arudishiwe shamba yake.

Na mimi ninaomba sana Commissioners kwamba you have a noble task. Nyinyi mumetumwa na Mungu mkuje kusikiza maneno ya Sabaot.

Tumesema maneno yetu kwa Commissions mbali mbali lakini hakuna mtu amejali. Na leo mimi ninafikiria hii ndio ya mwisho kwa sababu sidhani kama tutakuwa na Commission nyingine. Kama itakuweco pengine mimi sitakuweco, nitakuwa nimekuwa mzee or I will not be there. Please, I will want you to honourably take our issues seriously, kwa sababu mimi ninajua Commissioner, mtu akinyang’anya wewe bibi yako, sijui utafanya namna gani? Kama ni mimi tutakufa naye, lakini kwa mtu mwingine atasema si hata unaweza kwenda kutafuta bibi mwingine.

Lakini shamba ile ilichukuliwa, iko shamba ingine pahali pengine ile sisi tutapata kweli? Hakuna. That is why we are strongly saying, we must be given back our land. Hata mzungu alinyang’anya sisi shamba yetu kwa nguvu. Kutokana na mambo mbali mbali ambaye sisi Tumewasilisha kwa Commission kwamba tunataka mashamba yetu, wanasiasa wameongea tangu zamani mpaka leo wakiuliza mambo ya mashamba and nobody has taken interest to see sisi tunasema nini.

**Com. Mosonik Arap Korir:** Lakini si umeeleza kwamba unataka land restitution, sema kitu kingine.

**Sochei M. Soyet:** Ningesema ya kwamba yale mashamba ya ADC sisi tunataka yale yamebaki na mambo ya KARI, na kila kitu kile kiko Trans-Nzoia, tunataka hii Commission iweke wazi kwamba wa Sabaot wapatiwe hiyo mashamba.

Now, we want to be moved to Rift Valley, hauwezi kulazimisha mtu kukaa mahali hataki. Sisi tumelazimishwa, Tumeongea kwamba tuende Rift Valley, sijui imekuwa namna gani. Tumepigia mbuzi guitar mpaka leo, lakini kwa sababu hii Commission ni Commission ambaye inaheshimwa tungependa sana mpeleke huu ujumbe kwamba hiyo mipaka ambayo iko upande huu ambao umegawa Sabaot mara mbili au tatu, wengine wako kila mahali. Tungependa tuwe kitu kimoja. Na tungependa kutawaliwa kwa upande wa Rift Valley.

Jambo lingine ambalo ningependa kusema ni kwamba, katika shule zetu, tungependa kusema ya kwamba mashule ambayo hayana sponsor, shule ambazo ziko kwa D.E.B., tungependa shule hizo ziwe returned to the sponsors. Kwa nini ninasema hivyo? Shule nyingi zimeharibiwa kwa sababu hakuna spiritual guidance. Ma devil worship imeingia na mambo yamekuwa magugu. Kwa hivyo tunaomba ya kwamba Commission iweze kupendekeza na iweke wazi kwamba hizo shule ambazo hazina sponsor zirudishiwe wenyewe.

Vile vile ningependa kusema katika mambo ya masomo, mimi ninaona kama wewe ni mwalimu na uko hapa, kazi imekua ngumu sana. Na zamani ilikuwa mzuri, kwa sababu kiboko kilikuwa. Na kwa sababu IMF ndio inatawala Kenya, ilikuja na sheria ikasema toeni kiboko, hata saa hii sasa wanafunzi wanasema “hakuna kitu unaweza kunifanyia”.

**Com. Mosonik Arap Korir:** Kwa hivyo ungependa wapigwe hawa?

**Sichei M. Soyet:** Hapana ningependa niseme hivi .....

**Com. Mosonik Arap Korir:** Sema vile unataka straight away.

**Sichei M. Soyet:** Tungependa hiyo maneno ya kiboko ipate kurudishwa. Hata mimi niliwekwa kiboko na niko vile nilivyo. Kama singewekwa kiboko mimi singekuwa mtu. Kwa hivyo masomo imeanza kuwa mbaya.

When it comes to the appointments of B.O.G., tunasema ya kwamba tungependa wazazi wakuwe ndio wanachagua B.O.G., hapana watu wachache tu wanaenda ku-appoint watu wenyewe, wanajisikia sijui nani akuwe appointed, tungependa wazazi wakue involved.

Jambo ambalo ningependa kumalizia ni kwamba, kuna kitu kinaitwa Sabbath observance. Hiyo kitu imekuwa haifatiliwi vizuri. Sabbath is a day of a week used to rest or to worship. Na Tumeona ya kwamba wale ambao wana worship katika siku ya Jumamosi hawajapatiwa uhuru wa kuabudu. There is this bill of right where it says that there is freedom of ....

**Com. Mosonik Arap Korir:** Lakini umependekeza, the Sabbath should be observed,

**Sichei M. Soyet:** Yes

**Com. Mosonik Arap Korir:** Si ni kweli?

**Sichei M. Soyet:** And the members should be given that freedom. Why I am saying so? I want to expound abit.

**Com. Mosonik Arap Korir:** Don't,

**Sichei M. Soyet:** Oh, I don't expound?

**Com. Mosonik Arap Korir:** No, you have said it is a right.

**Sichei M. Soyet:** Thank you.

**Com. Mosonik Arap Korir:** Asante sana.

**Sichei M. Soyet:** Sawa sawa, so mimi ningesema wacha nimalizie hapo, halafu watu wengine nao wapate nafasi ya kusema.

**Com. Mosonik Arap Korir:** Asante sana. Shabatai J. Pkania? Excuse me tafadhali, tusipige kelele.

**Shabatai J. Pkania:** Na mimi ni James Shabatai Pkania. Yangu na kwa yale mengi ambayo yamesemwa tayari, ni kuchangia kwa uchache mambo muhimu hasa kwa mambo ya mashamba ambayo yamekuwa uti wa mgongo wa shida na malilio ya Msabaot miaka nenda miak rudi. Mambo ya shamba lisiwe swala mara nyingine la kujadiliwa kwa maana tayari limejadiliwa tangu karne iliopita, ikaendelea kujadiliwa mpaka karne hii, na inaonekana ati, ni jambo lililo gumu kwa maana wale wanaojadili ni wale ambao ni wa milango kubwa walionyanyasa walio wadogo. Sasa chenye mimi ninasema ni hivi, tunataka pia Tume ya watu wadogo, wanapokuwa na Tume ya watu wakubwa. Watu wadogo pia wawe na Tume.

Na kama ni lazima wahusishwe pia, lazima wa-determine at every other time, kwamba kama Tume inaundwa, kila kabila liwasilishwe katika Tume hiyo.

**Com. Mosonik Arap Korir:** Eh, watu wadogo. Ngoja kwanza.

**Shabatai J. Pkania:** Watu wadogo ni wale watu ambao kwa idadi ya watu wanaonekana ni watu wachache, wale ambao wapatikana katika sehemu zilizo sahauliwa ki maendeleo ni watu wachache walio wadogo. sasa tunasema hivi kila kabila, liwe mdogo El-molo, yule pia apewe nafasi katika uwakilishi wa Tume au mipango zozote zile za serikali.

Nisemavyo hivyo ni kwa sababu imechukuwa karne nyingi licha ya kusomesha watoto wengi, wawe ma Professor, Doctors of Philosophy in so many of these lines mnazozielewa ni kwamba hatuwezi kupata Minister. Hata Kimkung akiwa Professor, hawezi kuwa Minister, hata Jethman akiwa Professor, hawezi kuwa Minister, hata Kisiero tuliyedhania amesoma hangeweza kuwa Minister.

**Com. Mosonik Arap Korir:** Tulisema majina ya watu usiyatumie, sema tu ile point

**Shabatai J. Pkania:** No, this is a Sabaot aspect so if I mention there is no problem with that. We are using ourselves as examples, hakuna shida. So, at the end of the day, we cant qualify to be a Minister of Kenya however learned you are. You can not be a Minister because you come from the marginalized but you can be a Minister, an illiterate Minister from the bigger tribes. So ndio Kenya imeendelea kupungua kiuchumi na kila kitu imezorota kwa maana wale wadhaniao ni wengi

ambao pengine hawahitimu ndio wale wanaotuongoza. So, langu ni kwamba, sisi pia tuwasilishwe sawasawa.

Jambo lingine ni kwamba sisi, mambo yetu ya shamba nilisema tunataka shamba yetu vile ilivyokuwa. Mimi sisemi tunataka tufanye mijadala na wale ambao waliiba shamba, mimi ninasema kama ukweli ni ukweli na ukweli hudumu, kwa nini ukweli hauwezi ukadumishwa? Saa zile yule mbuzi, kwa maana yule hyena amekaa kwa kiti kama judge hawezi akafanya haki kwa yule mwingine. Leo Msabaot akifanya clashes na Bukusu, Kisiero alipelekwa all the stages in life kwa maana alisema karibu na haki ya Mbukusu.

So chenye mimi ninasema ni hiki, is a fault a fault before all the eyes? So, sisi kama tulinyang'anywa na inaeleweka tumenyanganywa kwa nini tusirudishiwe?

**Com. Mosonik Arap Korir:** Ungependa irudishwe?

**Shabatai J. Pkania:** Irudishwe haraka iwezekanavyo na tupeanwe hizo compensation, sio swala tena la kujadiliwa.

**Com. Mosonik Arap Korir** Si useme tu hivyo, na umalize.

**Shabatai J. Pkania:** So langu la mwisho ni kuguzia maswala ya shule. Shule, lazima serikali ambayo itakuwa ya siku hiyo ifanye kuweze kuwa na a national school in every district. Kwa maana Tumekuwa tukigandamizwa hata tufanye nini, kwa maana Tumenyanyaswa kiuchumi, hatuna shamba, sisi hatuwezi tukafunza watoto. Serikali iweze kuweka hata shule moja in each district as a national entity.

Provincial Administration must be scrapped immediately.

Scrapping in the sense that it has a lot of duplication of work.

Ya pili it has intensified corruption,

Na ya tatu tuweze kuwa na elected governors from the local people.

So that they can cross-check issues.

Na la mwisho, tukubaliane kwa Katiba yetu kwamba Kenya imeundwa na makabila na kabila liweze kuheshimiwa. Sio kujidanganya kila saa ati Kenya is one nation lakini ukifika chini in operation, you are tribal. Let it be known from today, let it be known tomorrow to our children that Kenya is tribal and they should also operate tribalism. Thank you so much, asante.

**Com. Mosonik Arap Korir:** Okay, Kinjo Fred?

**Kinjo Fredrick:** Mimi ni Kinjo Fredrick, ningependa kutoa mapendekezo yangu kwa Tume hii ya leo kwa mambo mawili. Ya kwanza ni kuhusu natural resources. Kama vile ilivyosema mmoja wetu, tungependa Constitution iseme kwamba natural resources is owned by indigenous local communities.

Management and protection of these resources should be made under the local authorities. Pia tunajua kwamba natural resources is the source of the raw materials for industries. The Constitution should state that industries be established where natural resources are found. Kwa sababu katika hali ya sasa, most industries are in Nairobi, and people around Nairobi ndio wanapata kazi but we should have industries spread all over the country where those natural resources are found so that employment opportunities zingekuwa spread vizuri and every Kenyan would be happy.

Tatu we also have cases of illegal harvesting and plundering of these natural resources. Proven cases of illegal plundering and harvesting should be followed up and compensation for that community be made. I also want to talk about culture, kama vile wengine wamesema sitaki kurudia lakini nataka kusema kwamba, Kenya as it is today, is a country of tribes. The Constitution should protect and promote every tribe and its culture.

I mean here that every language should be promoted and this promotion should be included in the Education Act, just as somebody had said. Also we are saying that the Constitution should protect and promote the culture of every community. Sasa katika Kenya, unaweza kuona some people are being harrassed because they are still practising certain cultural practices. I think the Constitution should allow a gradual change for these practices to just die out naturally, otherwise we shall have very many people being victimized for nothing.

I also want to contribute to what somebody had said but I just want to reinforce nikisema the Constitution should recognize the

council of elders in each community so that these people can deal with cultural issues. What we want is the education in Kenya to thrive and the beginning of education is nursery. So the Education Act should recognize nursery education so that we have education standards coming up and Kenya is developed.

Also in education, I also want to mention that in education as it is today, we have university campuses. Most of them are in Nairobi and areas surrounding Nairobi. Therefore access to education to other people far from Nairobi is not easy, I want to propose that the Constitution should state that, should a university want to start a campus, disadvantaged areas should be considered and when a campus is established, say for example a campus in North Eastern, the studies to be taken there should include the activities of that community so that even the community can benefit from the campus.

If the district is agricultural let us have a campus having the faculty of Agriculture. And then lastly, I want to contribute on Judiciary issues. I would like the Constitution to enshrine in itself the office of the Ombudsman, so that this can act as a checks to the government. If there is anybody ambaye analalamikia serikali, the Ombudsman's office should be there so that it can address such issues.

I also want to finish with Parliament,

**Com. Mosonik Arap Korir:** You were finishing with the Judiciary!

**Kinjo Fredrick:** Okay, the last finishing now. Parliament, we have said there should be Upper and Lower House. But I want to say that in Senate, according to me, Senate should comprise of the Representatives from every tribe and not every district. Because we have tribes which have so many district and therefore they will dominate that Senate. So we should have, even if a tribe is having five hundred people, they should have representatives in Senate.

And this Senate, I would like it to act as a vetting body, so that appointment of parastatal chiefs and directors is vetted by this Senate, so that the appointment is not arbitrary. By so doing, every tribe will have a fair share of the national cake. Thank you very much.

**Com. Mosonik Arap Korir:** Okay, there is a question for you please.

**Com. Zein:** Could you give us examples of the cultural practices which you made reference to that they should not be forced to stop through punitive measures but allow it to fade off?

**Kinjo Fredrick:** Fine, let me start. For example, I want to mention the Luo community in good faith. The Luo community, their culture is that they don't circumcise, and there is nobody who goes to court to say that he should be circumcised because it has been proved that un-circumcised men easily get AIDS and they die very easily and they spread that disease. Now for example us the Sabaot, there is FGM, Female Genital Mutilation. Because of marginalization we are still in that state where we are still moving out of our culture and modernizing. But you see, there is almost a legislation that anybody found practicing FGM will be prosecuted. So we are saying let the Constitution say the cultural practices should be given gradual change because they will die automatically.

**Com. Mosonik Arap Korir:** Asante sana. Moses Ngeiywa.

**Moses Ngeiywa:** Mimi ninaitwa Moses Ngeiywa, ningependa kutoa maoni yangu kwa Tume ya Kurekebisha Katiba na kwa upande wa ardhi, ninaunga mkono wenzangu ambao wamesema ardhi ichukuliwe ama itawaliwe na wenyeji, indigenous people.

Vile tutakuwa pia na serikali ya federal government, watapataje ardhi ya kufanyia maendeleo ama vitu vya serikali?

Mapendekezo yangu na wenzangu tulisema ya kwamba, serikali inaweza ku- negotiate na communities ikiwa wanahitaji ardhi ya kufanyia maendeleo ya state nzima. Kwa mfano kama wanahitaji kuweka security set up ama kuna national need.

Kwa sababu ardhi ni ndogo na haiongezeki, tungependekeza ya kwamba mtu binafsi asiwe na zaidi ya hekari hamsini. Hiyo iwe ya juu. Wengine wanaweza kupata hekari chache, kidogo lakini isiwe zaidi ya hiyo.

Pendekezo nyingine kuhusu ardhi ili iweze actually to correct wrongs that we have done, ni kutoa mamlaka ya kama Rais wa taifa ama Commissioner wa lands kupeana ardhi. Ardhi ipeanwe tu na communities wenyewe kulingana na kimila zao au sheria zao ambazo wanachukua.

Kwa hivyo, ofisi kama ya Commissioner ya lands, ni kama haihitajiki hapa Kenya kulingana na mapendekezo yetu. Ningetaka pia nichangie upande mwingine, tumependekeza serikali za Majimbo lakini maoni yangu ni tofauti kidogo, ningetaka devolution ya power iende kwa districts yenyewe. Na hizi districts, kila kabila vile wenzangu walisema hata kama ni wachache wawe na district yao.

So, walipoanza kutoa districts hapo awali walikuwa wanatoa kwa makabila. Kwa sababu ninasema hivyo ni kwamba, hata mpaka wa leo tunakumbuka kulikuwa na Kisii district, Teso district, jina ya district ambayo inatambulisha kabila hilo. Kwa nini sisi tusikuwe na Sabaot district, na El-molo district ama Ogiek districts na wale watu wa hapo wajitawale wenyewe?

Hatungetaka Provincial administration, vile Tumesema wakue replaced na watu ambao wanachaguliwa na wananchi kuanzia PC, DC, DO mpaka chief wote. Badala ya kuwa na watu wa kuchaguliwa wa local council na kuchaguliwa wengine kama Administrators, wale local council ndio wawe administrators. Kwa hivyo pendekezo tungetoa ya kwamba, wale wanataka to vie for these seats should now have higher qualifications because they are going to have a bigger responsibility.

So, we are saying for a district governor, for example, the candidate should at least have a university degree. When you go down to the divisional governor, he should have some training upto diploma level or somewhere there. And we are also emphasizing on age; tumesema watu ambao wamekomaa, wamefika miaka thelathini na tano na zaidi, ndio wanaweza ku-vie for these positions sababu wamepata experience mahali walikuwa wakifanya kazi, wako na CV yenye inaonyesha waliwezakufanya kazi mahali fulani na wanaweza kuendelea kufanya ile kazi kwa sababu wanatakua na responsibility nyingi.

Hayo ndio mapendekezo ambayo sisi tunafikiria yanaweza kufanya vizuri, na yatatoa conflicts kwa sababu kila jamaa ama communities wanakuwa wakijitawala wenyewe na watakuwa wanachagua wale watu. Wale wamechaguliwa wasipokuwa, if they don't deliver upto a period of about two years, the Constitution should actually allow for a referendum of about 30 or 40% of the electorate to recall their representatives at all levels so that a by-election can be held rather than waiting for five years before you say it was wrong. Huo ndio mchango wangu na asante sana kwa kuandika hayo, ni maoni yangu na wenzangu.

**Com. Mosonik Arap Korir:** Sasa tumsikize Cherotich Queen Valentine? Davies Kiboi atamfuata, kwanza Cherotich.

Okay, mpange nyinyi wenyewe vile mnataka, nani atasema kwanza?

**Queen Valentine:** Ma Commissioner na nyote mliobarizi kwanza nitaanza kwa kusema jina langu, mimi ninatiwa Queen Valentine na ninawakilisha walemavu, sio wasiojiweza. Kwa mara nyingi sisi kama walemavu kwanza nitaanza kwa kusema kweli, Tumempoteza mmoja wetu aliyekuwa akitusaidia sana, ambaye anaitwa Dr. Ombaka, na tungeweza kunyamaza kwa dakika moja ili Mungu azidi kutulinda.

Ninashukuru. Kwanza kabisa ningeanza kwa kusema hivi, kwa mara nyingi sisi kama walemavu Tumekaa bila kukumbukwa kama jamii, tumeonwa, kama in English we say outcast. But sincerely we are able, again in Kenya we have limited job opportunities. But I would like to ask the Commissioners, if they can consider us because we disabled people need to get chances of getting jobs, because without jobs, with disability we shall be a burden in the society.

You know when you are disabled and you don't have a job, people will not even have that time to see you as a very important in the society, a part from the few well wishers, like in Mt. Elgon, our Honourable Joseph Kimkung, who has taken the opportunity to support us. For example, I am visually impaired and he has really supported me since my childhood upto now, I have reached my Form four level of education.

Again, I would like to say that, please, we have to get a right of voting in the society. We want to get voting rights. For example, our writing methods, Braille,, we want those votes written in a language that we can also use without assistance from anybody because we are human beings.

If the government can give us a law, we don't want people to take the advantage of usbecause we are disabled. Some people are raped, because somebody was disabled, somebody can take advantage of the disabled people. So, government can consider us in that area.

Kwa mengine yote ningependa kuwaambia kwamba kuwa, kulema si kutojiweza, mtapata mengi kwa mwenzangu Kiboi.

**Davies Kiboi:** Asante sana. I would add to what she had said in Kiswahili, disability is not inability. My name is Davies Kiboi.

Nitasema hivi, disability is not inability. There can be nothing about us without us, so we are proposing this way; we are the most marginalized group in Kenya, we have never enjoyed the national cake of this country since independence upto now, but God is good, He has brought the Commissioners here and through you we are suggesting the following on disability area:

1. We are saying the national council of disabled to be set so that it will be co-ordinating the the programmes of all the disabled, regardless of the type and incase of, any violation, they will be taking appropriate measures.
2. We are proposing this way, I was in Nairobi last month but I was really tortured because of my disability, so we are asking the Commissioners at the end of this, when you will be giving out recommendations, we are proposing the public building and transport system to be designed and the general environment made accessible and convenient for persons with disability.
3. We are again saying, that persons with disability in Kenya to be given access information through radions and television.
4. Again we are saying the recognition of sign language to be made official in Kenya for those people who are visually impaired; In and out of school, let them be given interpreters
5. We are proposing Braille as a tool for reading, writing for visual disability as well as the use of Braille media in and out of school.
6. We are proposing assistive devices for persons with disability in Kenya should be exempted from all forms of import tax.
7. We again propose that at the end of the Constitution review ensure that the responsible authority distribute the upto date information on available programmes and services for persons with disability, their families, professionals, in the field and the general public. Information for persons with disability should be presented in accessible form.
8. Mr. Chairman Sir, we are proposing also, at the end of this Constitution review, despite the fact that there will be one Constitution, we are saying let the state initiate a support information mechanism for campaigning and conveying persons

with ability and disability policies conveyed that the message that persons with disability are citizens with the same right and obligation as others, thus the measures to remove all obstacles to full participation in democracy. I again support this proposal by saying. Let the Ministry for disabled be created. When it goes through for it to work properly, let the following ministries have disabled people be appointed.

Ministry for Labour,

Ministry for Culture & Social Services,

Ministry for National Planning,

Ministry for Health and

Lastly Ministry for Local Government.

We are again proposing that, let interpreters be trained in every district so that they will be helping those people who are deaf so as not to be harrassed by the Policemen. We are again proposing that vocational arbitarium centers to be created in every district so that they will be training all persons with disability in various fields such as Masonary, telephone operators and business management.

I want to come in for what the first speaker had said, I am also proposing as a Mt. Elgon young man, that all treaties that were made during colonial rule to be respected. The police Act in Kenya to be reduced. For example we in Mt. Elgon, because we live below the poverty line and the main brew that we always enjoy is our local beer, my opinion is this, if we can legalize the Western beer, why not our beal beer so that we can earn a living?

I am of the opinion that we have the two chambers onhouses, the Upper house and the Lower House. I am proposing this way, let the Lower House be led by the President and we remove all powers that the current Constitution has given to the former Executive, let him be in the Lower House just but a ceremonial leader. Then Upper House, let it be led by the Prime Minister.

Attorney General is the chief advisor of the government but I am proposing this way, let the Ministry of Justice be created so that that workload will be reduced to help the Attorney general who is doing the donkeys' work

Parliament .....

**Com. Mosonik Arap Korir:** You have just talked about Parliament, you said there should be a Lower House and Upper house. There should be two chambers, what else do you want to say.

**Davies Kiboi:** I want to talk about presidential election.

**Com. Mosonik Arap Korir:** Okay, and then you finish.

**Davies Kiboi:** Yes, I am proposing this way, let the President be elected directly by the people. On top of that, let him not come from any party, let him be a Kenyan representing all tribes in Kenya, regardless of the minority or majority. Let the Vice President be a running mate. In case of any death, let the Vice President finish the term that the current President was to finish. Lastly but not least, if a President misbehaves in the office, I would like the Constitution to the set up committee that will be charge, to annalyze for any impeachment and, let it be acted upon immediately. Thank you Mr. Commissioner.

**Com. Mosonik Arap Korir:** Asante sana. Excuse me Mr. Kiboi, there is a question for you.

**Com. Zein:** Wewe unapendekeza kwamba Mikataba yote iliyoandikwa wakati wa ukoloni na mkoloni iheshimiwe, hivyo ndivyo unapendekeza wewe?

**Davies Kiboi:** Ninapendekeza hivyo.

**Com. Zein:** Ninavyoelewa mimi, nikikurudisha nyuma kama ulikuwa unasikiza tulipokuwa tunazungumza (na hili nasema kusudi kila mtu asikie), kwamba Commissioner Lenaola alisema kuna mikataba mingine ambayo iliandikwa wakati wa mkoloni ambayo ilikuwa sio ya haki kwa waafrika. Mnavyopendekeza nyinyi ni kwamba ule mkataba uliowaondoa wa Sabaot na unasema Wa Sabaot walipwe ridha na fidia, huo ndio unataka wewe. Lakini hii mikataba mingine, tuseme kama hii ya kuwagandamiza wa Maasai, au mkataba ule wa Lake Victoria, wa Nile treaty inasema, sisi kama wa Kenya hatuwezi kutumia

maji ya Lake Victoria vile tunataka au maji ya ile mito inatoka hapa inakwenda Lake Victoria, huna haki ya kutumia ovyo ovyo mpaka Misri ikubali, hiyo pia unataka iendelee?

**Davies Kiboi:** Kama kuna mahali inatudhuru kama wa Kenya, tutoe hapo. Asante.

**Com. Mosonik Arap Korir:** Sasa ningependa tumsikize Mbunge wa sehemu hii ya wakilishi bungeni Mt. Elgon, Mheshimiwa J.N. Kimkung Assistant Minister, Ministry of Environment and Natural Resources.

**J.N. Kimkung:** Bwana Commissioner Chepkwony, Commissioner Lenaola, Commissioner Zein, na wenzangu wote. Yangu ni machache kwa sababu leo ni siku ya watu wetu nyumbani kusema maoni yao. Otherwise we have had opportunities in Nairobi and elsewhere as Members of Parliament. Kwa hivyo mimi tu ni kuwa salimia na kupongeza wale wametoa maoni hasa mwalimu Pokoses, it was very detailed na mawazo haya yote, if you have been following, yote yanarudiwa kwa sababu jambo la muhimu sana katika Sabaot na ile kunyanyaswa kwa mambo ya mashamba.

And that is the main thing, and also the issue of provincial boundaries is a Constitutional matter. Mumesikia ya kwamba sisi, we are more attached to Rift Valley than Western Province, many times we are referred to as Luhyas because we come from Western Province. We would like, like my colleagues have said, to be in Rift Valley na hilo ni jambo la muhimu kwa sisi.

Very briefly, nitataja yale mengine wenzangu wamesema, Provincial Administration, I am also for the scrapping of Provincial Administration and be replaced by Elected representatives. I am also for the devolution of power, lazima sisi tuweze kujitawala wenyewe. We don't want to be led in Nairobi, tunalipa taxes, zinaenda Nairobi lakini kidogo inarudi hapa nyingi inapelekwa mahali hata hawatoe.

Kwa hivyo sisi kama farmers katika Mt. Elgon, in fact they say Western Province is an agricultural area, and we produce a lot of maize, but actually the bulk of the agricultural production is in Mt. Elgon. So we want to be considered, when you are setting up this Constitution, we want to be placed where we are supposed to be.

You touched on environment, I will just inform you that we are setting up district environment committees so that the people themselves, the communities will protect their own natural heritage and be able to earn the resources from those natural resources. So very soon we shall be launching environmental committees, we have launched in other areas at the Ministry and very soon we would like it to be in Mt. Elgon, ili any mapato kutoka forest, kutoka kwa wanyama inabaki hapa hapa.

Na kwa sababu mengi yamesemwa na mengi yatasemwa na watu wangu, wataniambia kitu kingine ambacho wamesahau, nitakuja kusema huko mbele. Na mimi ninafurahi kwa sababu hawa ma Commissioner wote ni marafiki wetu, Commissioner Chepkwony alikuwa Alliance High School mbele yangu, Lenaola, pia tunafanya pamoja, kwa hivyo ni watu ambao tunajua mapendekezo yote watashikilia kwa maanani. Kwa hivyo that is very very important, where we are as Mt. Elgon and about our land compensation. The remaining pieces of land in Trans-Nzoia must be given to our people.

Nitawawacha hivi karibuni kwa sababu tuko na ule mpango wa kesho wa Mtukufu Rais, anakuja harambee ya hospitali na ninawaomba mkuje kwa wingi, ni mimi pia ninakimbia Eldoret ili tumalize huo mpango. Kwa hivyo ninaomba mniruhusu nikimbie kwa sababu nitaongojwa. *Ma unyoto?*

**Audience:** *Unyoto.*

**J.N. Kimkung:** Asante sana, Mungu awabariki Thank you very much.

**Com. Mosonik Arap Korir:** Just hold on kidogo Mheshimiwa.

**Com. Lenaola:** Mheshimwa, thank you very much. Hili swali la mashamba, one of the questions I am asking myself as a lawyer and as a person involved in land issues is, how far back do we go in the restitution and compensation? What boundaries do we go back to?

**J.N. Kimkung:** 19.. I think I'll ask an expert, my predecessor, Hon. Kisiero,

**Com. Lenaola:** Nataka yako

**Com. Zein:** Kuna watu wametuingia tuende mpaka 1908, halafu Mheshimiwa akasema, turudi katika ile Commission ya land

ya 1932,

**J.N. Kimkung:** Correct

**Com. Zein:** Sasa vile anauliza mwenzangu ni muhimu. Turudi mpaka 1908 tuanzie huko kuangalia mambo au tuende kwa ile Commission ya 1932, au tuje wakati wa Uhuru mwaka 1963?

**J.N. Kimkung:** I am saying 1932, because they have been Commissions even after 1932, like there was one in 1963 and ....

**Com. Kisiero:** Asante sana Mheshimiwa. Ya kwanza ni kwamba, boundary yetu na majirani wetu upande wa Western, ilikuwa ni 1890, tukachinja mbwa, sisi tukashika kichwa hawa wakashika miguu. Tukakubaliana hapa ndio mwisho. Hiyo ndio upande huu, kwa upande wa Trans-Nzoia alienation, for settlement of mzungus, it should be before 1914. Thank you.

**J.N. Kimkung:** Thank you very much, I hope that is clear now. Bwana Commissioner, sisi tuna respect each other, tuna respect wale wazee ambao wana knowledge and that is what we respect and we go by what they say, because they know better and they studied it and they know the history and therefore they teach me. Thank you very much.

**Com. Mosonik Arap Korir:** Maybe Mheshimiwa, one last one. You said you favour devolution but there is a question of to what level should we devolve power?

**J.N. Kimkung:** That is why we say we want to be in Rift Valley, because there will be North Rift. Eventually Rift Valley is going to be divided into two because of its vastness. So we will definitely want to be there so that North Rift will comprise of more or less the same ethnic communities. So when we say devolution of power, we want them to be in charge of their own resources, to lead themselves, and we will not worry because we will be the same community. Thank you.

**Com. Mosonik Arap Korir:** Thank you so much Mheshimiwa can we now please hear Councillor Francis Ndiwa, the Chairman of the County Council.

**Francis Ndiwa:** Basi, Commissioners majina yangu ni Francis Ndiwa, Chairman Mt. Elgon County Council. Mimi, Commissioners nitazungumzia juu ya environment; mambo ya misitu, natural resources. Commissioners, maji sisi Tumeambiwa ya kwamba tutunze misitu na tuilinde kabisa, na maji yanatoka katika misitu yetu hii. Maji yanapoteremka kwenda hata njia za

Webuye mpaka Lake Victoria, Commissioners sisi tunaomba ya kwamba, mahali maji yetu yanafika, tulipwe.

Commissioners, forest yetu pia, sisi kama Council, tunaomba ya kwamba hii msitu iwe chini ya County Council. Kwa sababu serikali imekuwa ikilinda lakini wale ambao wanalinda ndio wanaharibu msitu. Kwa hivyo ombi letu, iwe chini ya County Council.

Kitu kingine Commissioners, hii msitu yetu ndio inayosafisha uchafu unaotoka katika viwanda. Sisi ombi letu kwa sababu Tumelinda huu msitu, Commissioners, wale ambao wako na viwanda walipe watu wa Mt. Elgon kwa sababu sisi ndio tunasafisha hewa mbaya.

Commissioners, nitarudi katika Local authorities, Councillors, sisi katika Local authority tunaona ya kwamba sisi ni nusu ya wabunge, na sisi tunataka tulipwe pesa kutoka central government. Ninaposema hivyo Commissioners, ninasema kwa sababu, wananchi ndio wanakaa na sisi zaidi, sio wabunge.

Kwa kumalizia Commissioners, ombi letu Mayors, na Chairmen wacha wachaguliwe moja kwa moja na wananchi. Asante kunisikiliza.

**Com. Mosonik Arap Korir:** Asante sana Chairman ya County Council. Do you have any questions? Asante sana. Na tumfutate mfano wa Chairman kwa kufupisha tafadhali. Asante sana. Julius Naibei?

**Julius Naibei:** Commissioners, jina langu ni Julius Ng'etich Naibei. Nitaongea juu ya elimu katika madarasa ya chini; darasa la kwanza na la tatu. Kwa miaka mingi Tumekuwa tukifundisha watoto wetu kutumia lugha ya Kiswahili. Hii lugha imepoteza watoto, imepoteza kujua lugha ya mama yao. Miaka miwili iliyopita, Tumeanza kufundisha lugha ya mama .....

**Com. Mosonik Arap Korir:** Useme tu kama ungepende hiyo iendelee?

**Julius Naibei:** Ningependa kuhimiza Commission hii ya kwamba yale mashule yote yaanze kufundisha kutumia lugha ya

mama, katika darasa la nursery, la kwanza mpaka la tatu. Hiyo itajenga msingi wa watoto.

Ya pili, ningependa kuungana na wenzangu ambao wameongea juu ya udongo wa Sabaot. Kufuatana na historia ambayo Tumepewa, hatuoni sababu ya kusema lazima tuweke boundary hapa chini. We have a right to claim all over our land, right from our ancestors. Iwapo kuna rafiki wetu ambaye anakaa kwa hiyo mchanga, tuna haki ya kuuliza tulipwe ridhaa. Na ni hayo tu. Asante kwa kunisikiliza.

**Com. Mosonik Arap Korir:** Pengine tungekuuliza, na mashule ambayo yako miji mikubwa kama Nairobi ama Nakuru, ifanywe nini kuhusu lugha ya mama, ni mama yupi?

**Julius Naibei:** Tukiangalia lugha ambazo zinatumiwa kwenye miji mikubwa, ni Kiingereza na Kiswahili. Kwa hivyo hawa wakihitaji wafundishe watoto wao katika lugha ya mama, warudishe watoto nyumbani, ili wafunzwe.

**Com. Mosonik Arap Korir:** Umejibu vizuri asante sana. Okay, Waksan Kimutai Bunuka?

**Waksan Kimutai:** Mwenyekiti wa Commision, majina yangu ni Bunuka Waksan. Bwana Chairman, the spirits of the death will haunt me should I not mention what they told me when I was still very young. And therefore, I will be forced today, because you are here, to say it plainly and frank.

Our ancestors before dying, said the whole land of Trans-Nzoia belongs to the Sabaot. So, right now as you are here, there those ones who have come thinking that after this meeting, you will announce that all the Sabaots are going to Trans-Nzoia or are joining their brothers in Trans-Nzoia.

Two, in case of the existing twelve ADC farms, Kenya Seeds and KARI land, those ones be recommended that before January, next year, the Sabaot should be there leading and enjoying life as other people in the country.

The Constitution should guarantee that the land is inherited by members of the indigenous local community. The Constitution

should also guarantee indigenous individuals as the ultimate owners of the land. Now let me go to the touchy issues which I hope most of the speakers have not touched and I don't know why they are afraid to do so.

That is corruption, ufisadi ambao umenyanyasa watu sana. Kwa upande wa ufisadi, nataka kusema hii kwa Kiswahili ili hata wale wengine wasikie, kwa upande wa ufisadi mtu akigunduliwa na awe anajulikana ya kwamba yeye ameiba, vitu vyote ameiba arudishe. He has to return all the goods stolen.

Two, he has to be fined, a heavy fine, I can even suggest the fine, something like twenty thousand to pay shillings. Another information...

**Com. Mosonik Arap Korir:** Tumsikize tafadhali? Tunaharibu rekodi tukisema.

**Wakson Kimutai:** I have said twenty thousand and people have started mummering because all of us are not equal economically. Twenty thousand can be afforded by any other person, even a very simple person can afford that.

And then lastly an corruption, a corrupt person after doing all that, has to be imprisoned for a long time so that those others who would like to be like him/her will refrain from doing that.

On the side of natural resources, I also want to echo this one, because even the dead spirits are very much annoyed with us. We have left our natural resources disappear without us saying in anything. We are very glad and also very generous with our brothers, we shall share with them the air, the light from the sun but other natural resources which you know like trees, wild game, water at least they have to pay revenue for that. Thank you very much Mr. Chairman.

**Com. Mosonik Arap Korir:** Lakini utueleze ulisema the ancestors are angry? Ulifanya consultation ama ulifanya namna gani? Unajuaje kwamba wamekasirika hawa wazee?

**Wakson Kimutai:** You know this is the thing, when your father really loves you and he sees how you are suffering, he will tell you exactly what to do so as to survive in future, so they used to insist telling us. "Anytime we shall not be there, please don't forget to ask for your ancestral land which is in Trans-Nzoia and elsewhere". Thank you.

**Com. Mosonik Arap Korir:** Asante sana, hiyo ni kusema wazee walisema wakiwa hai bado?

**Wakson Kimutai:** Yes.

**Com. Mosonik Arap Korir:** Asante. Nancy Ngeiywa? Halafu atafuatwa na Mrs. Janerose Chepkeyosiche.

**Nancy Ngeiywa:** Asante mwenyekiti na Ma-Commissioners wenzako. Mapendekezo yangu ni kwamba Katiba. Majina yangu ni Nancy Ngeiywa. Mapendekezo yangu kwa Katiba ni kwamba, Katiba iseme kwamba kuwe na koti katika ma-district zote za nchi yetu. Kwa vile kama hapa Mt. Elgon hatuna district na sisi Tumechoka kusukumwa hapa na pale, mara Webuye mara Bungoma, mara Sirisia kwa sababu hatuna koti. Kwa hivyo tunataka koti iletwe hapa katika district yetu.

Pia tungependa kuwa na tribunal court ambayo.... Na sasa wameshakatiliwa huko kwa sababu West Pokot ni nchi ya wa Pokot, wamefukuzwa wametoka huko. Na unfortunately wanaporudi huku, pia wanakataliwa kwa sababu watu wanasema hawa ni wa Sebei kwa vile hawakuonekana wakizaliwa na wakilelewa. Kwa hivyo watu wa huku pia wanakaata hawa ni wa Sebei si wa Sabaot. Tungependa hawa wakuwe compensated kwa sababu ya hiyo misery na mental torture ambayo wamepitia.

Pia ninapendekeza kwamba, Katiba yetu ieleze wazi wazi kwamba, Head of State ama Rais, a- treat Kenyans wote equally, na wala wasikuwe marginalized kwa sababu tunajuwa sisi hapa Mt. Elgon tunaweza kuhesabu ni mara ngapi Rais amekuja katika district yetu. Na sisi tunataka tukue treated equally na zile districts zingine. Kwa sababu kuna districts ambazo Rais hutembelea mara nyingi sana hata haziwezi kuhesabika na sisi tunaweza kuhesabu.

Kwa hivyo Constitution imulazimisha Rais yeyote ku-treat all Kenyans equally. Pia kwa minority tribes kama sisi, tungependa tupewe appointment kwa ofisi fulani fulani kama Parastatals ama kwa Ma-Commissions, Diplomatic offices. Kwa sababu mara kwa mara sisi hatukui represented kwa hizo ma ofisi, na ilhali sisi tuna watu ambao wamesoma, wamehitimu na wanaweza kufanya hiyo kazi kama vile kabila zingine wanafanya. Pia kwa upande wa shule, tungependa ... Kuna mwenye amesema juu ya national schools ziwe katika kila district. Mimi ninapendekeza kwamba kuwe na national school mbili, moja ya wasichana,

nyingine ya wavulana.

Kwa hivyo kwa jumla mimi ninasitiza kwamba Constitution i-uphold legal and human rights za wa Sabaot na kabila zingine zote ambazo ni minority kwa sababu we are not lesser human beings than other tribes.

**Com. Mosonik Arap Korir:** Asante sana.

**Janerose C. Sitey:** Mimi ninawakilisha kikundi cha Colar women organization in Mt. Elgon. Mimi mwenyewe ni mama mwenyeji, nimezaliwa hapa Mt. Elgon na ninaunga mkono yale yamesemwa na wanenaji ambao wameondoka, zaidi kuhusu shamba. Na sasa ninaongea kuhusu akina mama.

Wakina mama wamezaliwa na wameumbwa na kwa ajili ya maumbile, kuna vile mila yetu inawabagua katika jamii yetu. Akina mama hasa katika jamii ya ki-Sabaot na wenyewe wanaiheshimu kwa sababu ni mila, mara nyingi huitwa watoto. Na kwa hivyo sababu ni watoto akishaolewa atakuwa na nyumba na wala hana shamba. Kwa hivyo, zaidi ya wakina mama asili mia sabini na tano wako manyumbani wakilima. Maombi yangu ni kwamba, ningependekeza wakina mama pia, wapewe land ownership.

**Com. Mosonik Arap Korir:** Tafadhali, tulisema. Excuse me, tulisema kwamba..... Please, sasa tunaharibu kurekodi, tuna mtambo tulisema tunanasa sauti na maoni. Kitu cha kwanza, tusiharibu kurekodi. Kitu cha pili, nilisema kwamba, kila mtu ana maoni yake, na anapeana yeye mwenyewe anajiandikisha hivyo. Ukiwa na maoni tofauti utapata nafasi yako. Tusipigie huyu kelele, wacha tafadhali aendelee.

**Janerose C. Sitey:** Nitaendelea ya kwamba wakina mama kwa sababu ndio wanabaki mashambani, wana haki ya kupewa shamba kama mwanakenya yeyote. Ancestral land: kwa maumbile na ni kwa mapenzi ya Mwenyezi Mungu, mwanadamu ameumbwa kuwa mama ama mwanaume, na kwa hivyo ikiwa ni kwa bahati mbaya, mama amefaulu akaolewa ama kwa bahati nzuri yote ni sawa, akapata watoto wasichana, katika mila yetu ya Kisabaot hapa Mt. Elgon, hawaruhusiwi kupewa shamba. Kwa hivyo huyo mama mwenye hana kijana, atakaa kufika miaka sitini, anafukuzwa na wasichana wake. Kwa hivyo kwa

sababu ya hiyo, tungependekeza yule mama amezaa watoto wake na wote ni wasichana pia apewe right to own the land.

Preamble, the Constitution should have a preamble that guarantees equality of all Kenyan citizen before the law regardless of gender. Haki tupewe kama wanakenya wengine. Kwa sababu ya shida ambazo tunakuwa nazo hasa sisi, wanaume wa hapa Mt. Elgon wamesema they are marginalized, and if they are marginalized, they don't have farms, then we are triple marginalized.

Kwa hivyo sisi wakina mama ambao wazee wanaposhughulikia mambo nyingine kule nje, pia tupewe. Especially the single headed families, should be entitled to farms in schemes and trustland, especially widows.

Kwa sababu wakina mama wengi wananyanyaswa, hata kama shamba ni yake ama mume wake ameaga, wakina mama wanatakikana pia wawe involved kwa land control board from locational to divisional level. Na wakati wa kupewa title deed, processing lazima pia, ninaomba ya kwamba wakina mama wapewe free, kwa sababu hawana pesa.

Culture yetu ya Sabaot inaendelea kukwisha, ninazungumza nikisaidia yule mnenaji wa kwanza aliyesema ya kwamba mila yetu ya ki Sabaot kufikia sehemu fulani imeendelea kumalizika, na sisi tunakuwa na hofu, wale ambao wanahofu zaidi ni wakina mama. Akina mama wa Sabaot wamekuwa wakifundisha wakina mama wenzao ama wasichana ili watayarishwe kuwa wasichana kupitia kwa mila ya kutairisha wasichana.

Na sasa ninapendekeza hivi, ninapendekeza ya kwamba, kwa ajili sisi mila yetu hata wanaume wanaelewa ya kwamba mila ya Sabaot inaendelea kwisha, zaidi ya FGM. Na vile inendelea kwisha, we request this Commission that our women who have been instructors in those institutions because they were just local institutions and we have special things that we do there, that even these men do not know, and therefore I believe and trust you will also favour us as women from Mt. Elgon to have our own curriculum all along. And as such, we feel we should now join our colleagues from Rift Valley.

Kwa hivyo ninaunga mkono ya kwamba, sisi wakina mama wa Mt. Elgon tungependekeza tukuwe Rift Valley kwa ajili hiyo mambo yetu tunajifunza zaidi kutairisha wasichana ni ya wa Sabaot na wa Kalenjin wote hata wa Maasai. Kwa hivyo tukikuwa Rift Valley sisi wote kwa sababu tutakuwa jamii, tunaweza kuwa na institution ya ku-train wasichana wetu na kufanya

ceremony kubwa ambayo itakuwa ni ya ki-Sabaot.

**Com. Mosonik Arap Korir:** Tafadhali tumsikize mama?

**Janerose C. Sitey:** Marriage. Sisi akina mama wa Mt. Elgon tunaheshimu ndoa zetu. Hata mkiona hapa wakina mama ni wachache. Hawajakataa, wanachunga walingoja wanaume walete ripoti, lakini kitu kilichoko ni ya kwamba, polygamous families should be attended to. Wale wanaume ambao wako na wanawake zaidi ya mmoja, wa-register, they should legalize their marriages. Wakuwe na certificate ya kuowana. Hata kama una wanawake kumi.

Hii ni kwa sababu wakati wanaume wanaaga, it causes problems. Wakati mume anapoaga na ako na wanawake watatu, wanne, tutakuwa na vita vya watoto ni nani ataridhi mali? Na tena, the converts, wale ambao ni wakristo should marry the Christian way. Na pia akina mama, wakapendekeza ya kwamba wale wanasumbuliwa sana katika jamii yetu in Mt. Elgon side ya Sabaot ni wajane. Wajane hapa wanasumbuliwa huku na huko hata kama ako na miaka sitini, unaona mama anafukuzwa na mzee aliaga. Kwa hivyo kitu kilichoko, tulipokuwa tunakaa, I am a representing women's organization, wakasema they should abolish inheritance of women. Na kwa hivyo, in place, a woman who is still young and is willing to get married is allowed.

Another thing is that zaidi sisi katika mlima wetu wa Elgon, wanawake wengi hawakufaidika kwenda shuleni, na sasa nitazungumza kuhusu yule mama hakuenda shule kwa sababu tuko na Adult education classes. I request this Commission to mandate and make it compulsory for all Kenyans to attend adult education class and they be mandated to allow our ignorant and illiterate poor in villages to know what is happening in the nation.

**Com. Mosonik Arap Korir:** Tafadhali ninaona una memorandum jaribu ku-highlight

**Janerose C. Sitey:** Sawa, on land and property, married women should be enjoined. For example if you are married, you register your property maybe under your husbands name but you will be enjoined. So it belongs to you and your husband. The law should provide for equitable division of matrimonial property upon dissolution of marriages, irrespective of the individual spouse's contributions. In case of domestic affairs, where women because of their nature being weak, are sent out of their homes and they reconcile after two or three years, whoever has sent the other one away, should meet the expenses.

Natural resources, and this is still why I am requesting the Commissioners to allow us the Sabaot to join our brothers in Rift Valley, the Kalenjin, that our natural resource here is Bamboo and we we used it as medicine, we use them to make our small baskets. Therefore we request that we have small industries near those places and women should be allowed to go there free.

We also have a sacred animals, that the special women who are known could be allowed to go and see them or maybe to bring them for their rites because they are sacred here. Small companies should be involved for example, we have our mineral salt, we call *ngetha*. There is no need for a Sabaot to go and buy multicks when they have their *ngetha* near their homes. So we feel this Commission should allow our people to be going there and take or maybe improve the standards of those things and we also sell outside. I think that is all.

**Com. Mosonik Arap Korir:** Just hold it please, there is a question for you.

**Com. Zein:** If I understood you correctly, you are suggesting that upon dissolution of marriage, property should be distributed equally. Not even equitably, but equally between the man and the woman, irrespective of who bought what, that is what you said? How do you protect somebody, man or woman, from somebody just marrying them so that they can then say after three months let's divorce and have part of your property?

**Janerose C. Sitey:** First before that, I had said that marriages should be registered. So if they are registered, then they should just divide equally.

**Com. Zein:** I am saying, one of the fears people would have, say fine, you want to register the marriage, but someone will just get married in order to get access to the property somebody else has. It could be a man or woman, it could be the woman is the one who has property and the man wants the property and says let's get married, two months later, he says no, I don't want to be married to you anymore, let us divide the property!

**Janerose C. Sitey:** No, it is not that way, because we said when we buy anything, we have to register both of us. So it cannot take such a short time.

**Com. Lenaola:** I think the question is, right now our law says, that if you register a marriage whether in church or wherever, you cannot divorce until you stay together for three years. So are you saying that we should not divorce after two or do we maintain the law of three years or do we say ten years, what period should you stay together before divorce?

**Janerose C. Sitey:** Then that would just be a domestic affair.

**Com. Lenaola:** So, I am saying how many years should you stay together kabla ya kusema sasa inakubaliwa, kuna sheria ya kuwachana, miaka ngapi?

**Janerose C. Sitey:** I cannot give time because when people get married, they don't intend to divorce, so maybe you ask the community.

**Com. Mosonik Arap Korir:** Asante sana, could you please register there. Kuna mwanafunzi ama mwakilishi wa chama cha wanafunzi, Mteusa. Na sasa tusikizane, tafadhali tunyamaze, representative of Mteusa, Mt. Elgon University Students Association, Chemwote E. Kiprotich?

**Chemwoki E. Kiprotich:** My names are Chemwote Evans Kiprotich. I am the Chairman of Mt. Elgon University Students Association. I have come here mainly to share with my people critical issues about the Constitution. First I want to talk about the issue of dual citizenship.

As you have heard what the people have said here is that most of the Sabaots were dispersed. They were dispersed to areas like Uganda, Tanzania and even Rwanda, like other communities, like Maasai were dispersed to Tanzania. There is the need for the Constitution to recognize the issue of dual citizenship, so that if those people who were dispersed from their birthland, and they are away, they should come back and have the rights the ancestors or kinsmen are having in that particular country.

On the issue of the land, much has been said. What I only want to reinstate is that nobody should have the powers to dish out land un-equivocally. I am saying the Head of state should not have the powers to allocate land to whoever it might be. This

one should be checked and like the others have said, a lot of issues on land should be settled at the constituency level. The issue of title deeds; That as we speak now, the people or the Sabaots who are in Mt. Elgon in Kopsiro do not have title deeds.

What we are saying is that this issue of title deeds should be moved to the district level instead of being held at the highest level. So that all the land that is owned by this people, they be given that right.

Also abolish this issue of 99 years lease, 999 years lease. The land is owned by the people, the ownership is to be for the people, not the government on behalf the people but let the people own the land. It is only that the government has been entrusted that land.

The issue of elections, the Constitution we are making has to have a face. That I propose that in the presidential elections, a candidate for the presidency must be a graduate, we need responsible individuals. That in the event of somebody also gaining 25% majority in the five provinces, the person should also get at least 51% of the total vote cast in that election.

If the person does not garner that majority, there should be re-run between the first and the second candidates who contest in that election. And on that note, the President should also be below the law like any other citizen. He should not be above the law, he should be the first in the country to be below and being number one person he should also respect the Constitution like his people respect. We need not see a situation whereby the President is above the law that he can say anything and people follow. That one is very absurd.

On the parliamentary candidate, for the need of responsibility, the Member of Parliament or anybody contesting the membership of Parliament should also be a graduate. Following that one, in the event that a Member of Parliament does not perform to the expectations of the people, the constituents must be legalized to move a vote of no confidence in their Member of Parliament. So that they can terminate the contract even if the five year term has not ended. So as long as he is not performing, what is the need of having him anyway?

When we come to the issue of Councillorship, I propose for the sake of the Youth who are the majority in this country, and I

am also speaking on behalf of the youth of Mt. Elgon, for them to participate, because they are future leaders, the Councillor or anybody going for the councillorship should be a holder of a form four certificate. And that the Councillors be paid from the Exchequer so that we don't have a situation whereby we have no competition for the Councillorship. When there is good remuneration and people are working well, qualified individuals will contest for that seat.

The election of the Chairman of the council, I also concur with the people that the Chairman or Mayors of any county council, town, or city, should be elected by the people and not among the Councillors themselves, electing among themselves and putting people who are corrupt in these offices.

On the issue of the rights and freedom, in the Constitution, they have should be enshrined an issue of responsibility. That we should not just have that haphazard right to the extent that the person claiming the right is abusing it and the person supposed to protect the right is also abusing it. We need the issue of responsibility. And in this case, enshrine the issue of when people are dissatisfied with the performance of any person, that they should have mass demonstration or if there is anything, they can demonstrate so that demonstrations is a legal path in this Constitution or in the country.

We don't want a situation whereby when university students are suffering or something, when they want to demonstrate, the askaris come and kill them. There is that need of the right to exercise that kind of demonstration with some responsibility.

Then the issue of education, there is need for an independent education sector in this country whereby even the Chancellor of the highest learning institution should be elected among the key learned personalities. We need not to have a situation where the President is the Chancellor of the universities. That one is very absurd, it is only in Kenya that it can happen, we don't want such an issue.

**Com. Mosonik Arap Korir:** No, that is true, it is not only in Kenya. The Queen of England is the Chancellor of Oxford University.

**Chemwoti E Kiprotich:** Only Oxford

**Com. Mosonik Arap Korir:** Lakini umesema, yaani unataka mtu amesoma awe Chancellor, si useme tu namna hiyo?

**Chemwoti E. Kiprotich:** And he shouldn't hold any other office except the office of the Vice Chancellor.

**Com. Mosonik Arap Korir:** Ya, because you see what you are saying, if you start generalizing, you are not necessarily right.

This idea of President is the Chancellor came from the British system. Maybe you are not aware, Prince Charles is a Chancellor.

**Chemwoti E. Kiprotich:** It is okay. I also come again to the issue of the Provincial Administration. As it looks, it is very much irrelevant to the society. The Provincial Administration serves two personalities.

**Com. Mosonik Arap Korir:** Upendekeze, what do you want?

**Chemwoti E. Kiprotich:** We scrap the issue of provincial administration. Then on the whole set up of the government, we have federal system of the government, where in Kenya we shall have federal state and I propose the following;

We have Nairobi, and the federal to encompass all the people. That becomes the neutral point.

Then we have the Eastern part,

We have the Central part,

Then we have the North Rift, where now people have been saying they will be there,

Then we have the South Rift,

We also have the Western,

The Luo Nyanza,

And the Gusii Nyanza.

In this category, the Sabaot will be with other like-minded people in North Rift, like the Nandi, the Pokot, the Sengwer, Chereng'anyi, the Ilchemus, the Turkana and the El-Molo, whereby the headquarters of this North Rift will be in Eldoret and others will be moved in that position.

**Com. Mosonik Arap Korir:** What happened to the Coast?

**Chemwoti E. Kiprotich:** There is the Coast Province.

**Com. Mosonik Arap Korir:** And then you said the Kisii to have their own...

**Chemwoti E. Kiprotich:** The Gusii Nyanza and the Luo Nyanza.

**Com. Mosonik Arap Korir:** Okay, Asante sana. Si umemaliza?

**Chemwoti E. Kiprotich:** And then the issue of culture.

**Com. Mosonik Arap Korir:** Just finish with that.

**Chemwoti E. Kiprotich:** Ya, I am finishing with the culture. That the Sabaots have their own culture and because this culture has been the spade that has put us up to where we are, it should be recognized in the Constitution. That we also have our own kind of court systems that recognizes the settlement by the old men or the wazees at the village level. And in this particular level, the culture level of the Sabaot of the people taking their own local brew. It has been abused by the Administration, terming it illegal whereas it is not illegal. They need to take them with a lot of responsibility.

**Com. Mosonik Arap Korir:** Which local brew is that, what is it called?

**Chemwosi E. Kiprotich:** Busaa

**Com. Mosonik Arap Korir:** Busaa, okay thank you. Just hold it briefly.

**Com. Zein:** What would be the logic behind the let's share abit on the Luo Nyanza and Gusii Nyanza. When we were in Eastern Province, people told us Eastern Province is one of the largest provinces in Kenya, they would like that to be divided into ...

**Chemwosi E. Kiprotich:** I have put them into two, Eastern which encompasses the Meru and the Borana, because they are somehow related and there is North Eastern that encompasses the Somali, the Gare ...

**Com. Zein:** No, no, we are talking about Eastern?

**Chemwosi E. Kiprotich:** Into two.

**Com. Zein:** No, there is North Eastern Province and Eastern Province,

**Chemwosit E. Kiprotich:** Eastern Province?

**Com. Zein:** Yes, and Eastern Province, consists of the Mt. Kenya region and going up Isiolo all the way to the border with Ethiopia

**Chemwosit E. Kiprotich:** That is why I am saying that the Eastern region, I am proposing it should encompass the Kamba and the Embu, whereas the Northern Province has the Somalis and what, they go to the North Eastern.

**Com. Zein:** The Boran told us that they don't want to be in North Eastern?

**Chemwosit E. Kiprotich:** Well that is their view.

**Com. Zein:** But what happens also to the Coast?

**Chemwosit E. Kiprotich:** The Coast should encompass the Giriama and the wider part of the Giriama, the Mijikenda, and perhaps they also have their view.

**Com. Lenaola:** Thank you very much, when you said North Rift, I am very concerned because you talked about the Sengwer, the Sabaot, the Nandis, the Ilchemus, the El-molo, and I am a Samburu I have not heard where you have placed us?

**Chemwosit E. Kiprotich:** I have placed the Samburu in the South Rift where they have the Maasais, Kipsigis, Ogiek and the Samburu.

**Com. Lenaola:** But the Samburus are in the North, how can you place them in the South or you want to move us down again?

**Chemwosit E. Kiprotich:** They will present their views when you go there.

**Com. Lenaola:** What is so special about the Gusii that you must give them a Province of their own?

**Chemwosit E. Kiprotich:** Their culture is totally different from the Luo.

**Com. Lenaola:** Okay, and the Kuria?

**Chemwosit E. Kiprotich:** They are with the Gusii.

**Com. Mosonik Arap Korir:** Asante sana, yeye aliwakilisha chama cha wanafunzi wa vhuo vikuu cha Mt. Elgon, ndio amesema, asante sana ujiandikishe. Sasa wengine tafadhali, imefika karibu saa nane na watu wachache kabisa wamesema, sasa tunataka kila mtu aseme tu ile hayajatajwa. Kama ukitaja kile kimetajwa, umelize haraka tafadhali, dakika moja mbili. Wilson Maasai? Halafu Kituindiwa Chemwolin?

**Wilson Maasai:** Majina yangu ni Wilson Kimasai, Executive Secretary NAC Mt. Elgon branch, ninataka kuwapa maoni yangu.

**Com. Mosonik Arap Korir:** Naniseme kitu kingine, tafadhali wale ambao wana memorandum, wanamaoni wameandika na wangependa kupeana na halafu kuondoka, tafadhali mnaweza kufanya hivyo, kujiandikisha kwa Mr. Hassan Mohamed na kuwacha memorandum. Kwa ajili tutazasoma memoranda yote.

**Wilson Maasai:** 1. Bwana Commissioners, I wanted to give my proposals related to education. The Constitution of Kenya should abolish 85% form one intake policy and make it open to allow the interaction of all the Kenyan children.

1. The same Constitution, I propose to establish at least two modern national school in each district which should be fully supported by the federal government, one for boys another one for girls.
2. The Constitution should guarantee employment promotion and training of teachers and this should be handled by a decentralized body at the district level. The head of this body should be a local indigenous person who should qualify by merit.

Bwana Commissioners, another one is that the Constitution should ensure that every district has at least one central government supported training institution or university campus. Marginalized areas or districts should be given special consideration.

Quotas to national schools and colleges be guaranteed by the Constitution, marginalized areas should also be given special consideration. They have talked about ECD, Bwana Commissioner, I want to ask for support and advise that the main issue for the Sabaot or for any group staying in Mt. Elgon is land. Land was owned by the Sabaot and when the whiteman came, the Sabaot were snatched this land and now the Sabaot who are still staying there have no land and the children who are going to school have no land, hence they are very poor.

So in this case, I am calling for compensation for the Sabaot children going to school, the government should provide free education, from standard one to the university because the Sabaot people do not have money, they were snatched their land and made poor. So they should be given free education, that is why the Sabaot people have lagged behind in education.

I also call upon the government of that day to give compensation to the elders, to the old people of Mt. Elgon and Trans-Nzoia, now that they are poor,

**Com. Mosonik Arap Korir:** Kuna watu wanasema hapo nyuma sijui hiyo kelele ni ya nini.

**Wilson Maasai:** I thought they are supporting what I am saying. Bwana Chairman of the Commission, our people were beaten, chased away from that land, and they died because of the injustices, so they should be paid that compensation. Our grand parents and grand mothers should be paid through us. The ones who are still living should be compensated because they suffered. I want to repeat that land be given to the Sabaot, the Trans-Nzoia land to be given to the Sabaot, that should not be regained at all.

I want to again propose about the boundary. A bone of contention here is the land boundary. It is obvious that the boundary is known. It is not the one which is there, it is somewhere down there, and it is drawn, it was drawn by our parents. Many have said about it, so it should be followed to avoid any future unrest. The government should address this boundary and land issues critically, if they don't, then they are there to blame in future by the grand children.

Many issues have been addressed, but I wouldn't like to go back to those issues which have been addressed. I want to be precise and emphasize that you strictly record that the problem with the Mt. Elgon Sabaot is land, boundary and poverty caused by other people not by the Mt. Elgon people. It is caused by first of all, the white man and then by those who followed. So we are poor and we should be compensated. I think upto that juncture, I want to say thank you very much for listening to me.

**Com. Mosonik Arap Korir:** Ngoja, kuna swali?

**Com. Zein:** Mwalimu, just a clarification. If I got you correctly, the first statement you said, you would like 25% rule for intake in schools at the district level to be abolished. That is what you said.

**Wilson Maasai:** Abolished

**Com. Zein:** And then you went ahead and said that the quota admission for national schools and university should be retained. My understanding of the 85% rule, is that it is designed to give a chance to local students to go to institutions of learning and that is billed on to the quota at the national level and the university. If you take out the quota system at the lower level, what you are saying in essence is that a child in any other place in Kenya, for example Nairobi, should compete for admission to a secondary school at the district level with a child in Mt. Elgon district, that is what you are saying.

**Wilson Maasai:** What I am saying Bwana Commissioner, I am emphasizing the quota system so that we have the interactions, like in colleges where everybody can choose to be anywhere. And then from there, you would have gathered knowledge from outside that would benefit our people, so that you don't restrict yourself, you learned there upto your form four, from there, the college is there, and things like that. No, we should bring knowledge from outside to benefit our people. That is the quota system.

**Com. Lenaola:** Thank you mwalimu, you spoke like others have said that land in Trans-Nzoia must come back to the Sabaot, I would like to ask you just a simple question. What is the boundary of Sabaot towards Trans-Nzoia, which is the last place

that you know belongs to the Sabaot district?

**Wilson Maasai:** The boundary the Sabaots claim as we have been told, is that we border the Sengwer people, the Pokot, the Sebei, the whole land belongs to us. Thank you very much.

**Com. Mosonik Aap Korir:** Okay, Asante sana. Sijui kama wanafunzi wawili, Sagon Kirui na Chewotei Sichei wako hapa? Tungependa kusikiza Paramount Chief, Hezbon Naibei, oh you are here. When I called you Bwana, si ungeweka mkono juu nijue. Paramaount Chief yuko? Okay, arudi, halafu Robinson Kipsigiryet, Mt. Elgon Ndoboro indigenous, ukae hapa tu.

**Sagon Kirui Chemwote:** Okay, the Commissioners Sirs, thank you very much for coming to hear our views. I am Sagon Kirui Chemwote, a student from Jomo Kenyatta University. First of all I want to start with the natural resources of Mt. Elgon. As we know we have so many natural resources in Mt. Elgon, like we have a national park and we have benefited very little from this natural resources. So we wanted to seek the Commission, to make sure that the Communities. Because if I am told to protect the forest I won't protect it well and I don't benefit from the forest, but if I am benefiting from the forest and I am told to protect it at least I will know this thing is mine and protect it to my best.

The other thing is about the major appointments in the government. For example, the President is the one who is supposed to appoint the government and parastatal chiefs and I think this is not the best thing so far, because at some point, you know if you appoint somebody, you have to show the person that you can really perform. At some point, they are done through political affiliation, so it is very good if this appointments are done by an independent body like the Parliament.

At the moment Parliament is something very good. The other thing, we know that the President holds so many posts, that is he is the Commander in Chief of the Armed Forces, is the Chancellor of all the public universities and you know that we have some an economic crisis in Kenya because there are very few jobs. So if the President is not the chancellor of all public universities, we can have five chancellors, at least this will solve this issue of joblessness in Kenya.

The other thing we want to talk about is the life of a student in Kenya is really threatened, because we hear so many times, students are being shot by police. I think this is because the government is not able to provide for the security of the student. We have to look for some ways, even if it means arming the students or arming all the Kenyans. If that one can work, we can adopt such a system.

Then the other thing is about the Members of Parliament. Most of the Members of Parliament do not perform according to our standards. So if it is possible, that if an MP is found not delivering, he should be recalled back by the people, because the electorate are the people who elect these MPs. So they should be called back and a by-election done to get somebody whom we think according to our standards can deliver.

The other thing is about the educational standards in the district. We the students, at least we are the stakeholders in the educational system in the country because for example, if my brothers and my sisters are being ruined by some people, I have a say to come and shout and do so many other things to show the administration I am not very happy. If it is possible that we are included in the B.O.G.s, it will be very okay. Thank you very much.

**Com. Mosonik Arap Korir:** Okay, is your colleague, Chemwotei S.K. around?

**Chemwotei S.K. :** Thank you very much, I would like to thank all the Commissioners and the people who have attended this session for coming and being together with us. Most of the things have been presented concerning the Sabao community, concerning the students and even the children's Act. But the most important thing that I would like to talk about, that most students are not continuing with their learning because of fees. And I would like the government to consider this in the Constitution that each and every student, each and every pupils who is born in Kenya, has a right to learn without considering the level of poverty, whether if he has money or not.

That is the most important thing because each and every person has a right to learn.

The second point is that in Mt. Elgon, let me speak about Mt. Elgon first, many of the schools that are around (tape end words lost). And therefore the government should look into this that each and every institution as it is, we have a right to complain

about anything that goes wrong and it must be corrected. If not, that is the reason most of the time you find students going on rampage just because there is something that is wrong but the way they are supposed to present it has not be shown or the right way is not there.

The rights of a student: It has been seen that many things are happening to the students. Recently we heard about the students being shot. I think a law should be entrenched that a policeman should not use a bullet on a student. Because it is somebody who is not armed and if somebody is not armed, I don't see any reason why a policeman should use a bullet on an unarmed person.

**Com. Lenaola:** I will stop you at that point that case is in court. The rules about evidence is that you cannot give anything about a matter in court, so don't discuss evidence that is pending before the court.

**Chemwotei S.K.** I am not discussing anything concerning the evidence but I am just saying that if possible .....

**Com. Mosonik Arap Korir:** Have you understood the point made?

**Chemwotei S.K.** Yes

**Com. Mosonik Arap Korir:** Let us proceed with the next one.

**Chemwotei S.K.** Those are my points but let them be written down. Thank you.

**Com. Mosonik Arap:** Maybe we can ask a question. You have said that the police should not shoot students who have no arms, but your colleague said we should arm the students for their own security. So which one is better, to arm the students and then they shoot down the police or the other way round?

**Chemwotei S.K.** You know I think what he meant is that because of the resolution in that many students have been shot, I think he was talking out of anger, because it has happened that many students have been killed, so he thinks that because the students are not being protected by the law, maybe they can protect themselves.

**Com. Mosonik Arap Korir:** So he was saying it out of anger, yaani tukija hapa hatutaki iwe kama vile hawa wanafunzi wamependekeza kwa ajili wamekasirika, wakasema hata tupewe bunduki tupigane na polisi na wengine. Maneno ya Katiba hatutaki hasira, tafadhali.

**Chemwotei S.K.** You are right.

**Com. Zein:** Unaposema, if I understand you correctly, that the students should have the right to protest and to demonstrate. Does that include attacking people, stoning cars and institutions? I am saying this, I was once a student like you, I was a student at the university and so was everyone in this panel, we were students, and when you say the right to protest, what does this right include?

**Chemwotei S.K:** Okay I have not talked about protesting, maybe my colleague talked about it, but according to me...

**Com. Zein:** No, when you say the right to say what is wrong, how ....

**Chemwotei S.K:** That is why I was saying a provision should be made such that we have a channel to present our issues, either to the right authorities or to the government itself.

**Com. Mosonik Arap Mosonik:** But magari ya wananchi, is that part of the right?

**Chemwotei S.K:** It is not part of the right to stone any vehicle.

**Com. Mosonik Arap Mosonik:** Okay, hiyo imetoshwa, asante sana. Sasa nimesikia kwamba kuna malalamiko wengine wanasema situati orodha ya majina, lakini from time to time, tuna haki ya kuruka jina moja halafu turudie ikiwa kuna mtu disabled, ikiwa kuna mama, ikiwa wakati mwingine wako wanafunzi kama hawa ambao wanatakiwa wawe shuleni. Hata nilitaka kuwauliza walimu, ikiwa kuna mzee kabisa, anaweza kutueleza ndio apewe nafasi ya kwanza.

Kwa hivyo nikiruka kidogo sio kwa ajili ya kuvunja sheria, tafadhali. Jina lako?

**Robinson Kipsigiriet:** My names are Robinson Kipsigiriet. I am here to present a few points on land ownership. I am a Ndorobo, representing the Ndorobo community, we are in Mt. Elgon, Sabaot are also Ndorobos. As much as the Sabaot

have said that they are marginalized, I am the most marginalized so far. Because I am a person who may not even pass as a Member of Parliament, among our county councilors, we have only one Councillor. And you can see how much I am marginalized.

What I am going to say is one, an indigenous person should be considered on the issues of land alongside others whenever anything is to be done. For example in exploration and maybe in exploitation of renewable and non-renewable resources from their land. Also, if there would be any social environmental damages, they have to be compensated.

The natural resources from their land should be controlled by themselves or the state and not the government. What I mean by the state is, the law should in itself take care of that land on behalf of those indigenous community but not the government. Because there are other government officials who come about and start their policies to oppress other people.

I would also like the question of evicting the indigenous people from their land to be revisited again. Because since and after independence, the Ndorobos of Mt. Elgon have been staying alongside Mt. Elgon in the Moore land, after they were pushed by the 1932 demarcations. Then they were pushed very much to a place called the Moore land and part of the land was left to be the forest. So I would like those boundaries to be revisited and the Ndorobos be given ownership of that land.

They also must be identified in the law that will be there. Just Like the Aboniguis of Australia whereby today they have identified by their law and identified to be people who can stay. They are an autonomous group who do not survive because of others. Therefore after they have been identified by the law, they have to be taken care of. There should be security for them. They also have to be accessible to all kinds of development, schools, infrastructure and moreso, they have to take care of their resources and should benefit from them.

If there will be tourists going to those places, they should be accessible to up to 75% of all the revenue got from that land and maybe part is taken to the county council. At least we must exist in this county council, we shall not be separate but they have also to get some percentage and another goes to the government.

The law we would therefore like to have in the next Constitution is that of federal laws, which of course identifies the indigenous people.

Last but not least, I would like to have equitable distribution of resources in the whole Republic, such that in case there is one teacher per classroom in Baringo, that should also apply in Mt. Elgon. Not where big people come from, they are staffed and other places are under staffed.

About the environment, I think people should be empowered to take care of their environment. In today's law, we are proposing that a human being should be given the first priority and be empowered to have enough skills so that they can go and exploit whatever resources they have like in other countries as America and Canada. We could be having enough oil enough resources here, but we are bankrupt and poor because we cannot exploit using our own knowledge. I think I am through and I say thank you.

**Com. Mosonik Arap Korir:** Question please?

**Com. Zein:** It is very simple question, you refer yourself as a Ndorobo?

**Robin Kipsigiryiet:** Yes,

**Com Zein:** I was in a different place and I was told that you would not like to be called a Ndorobo anymore, your name is not Ndorobo, it is Ogiek. Is that true?

**Robinson Kipsigiryiet:** No, it is not true, because the Ogiek are Kipsigis along the Londiani region and I am a Ndorobo of this place, and I must be identified by the name Ndorobo until Jesus comes.

**Com. Mosonik Arap Korir:** No. Incidentally, excuse me, Bwana urudi, Kulikuwa kuna mtu mwingine alikuwa anaitwa Martin Simwotwo, alikuwa anasema angesema kwa niaba ya Ndorobo wa Mt. Elgon, hiyo ni jina ya hawa watu wa area hii wenye wanaitwa Wandorobo?

**Robinson Kipsirgiryiet:** Ya, that is the name. I can see how marginalized, we are, but we are here called .....(Inaudible) and therefore we are Ndorobos. If you can hear.....

**Com. Mosonik Arap Korir:** Keguren ndorobo? Okay.

**Robinson Kipsirgiryiet:** Also, martin can come.

**Com. Mosonik Arap Korir:** Okay ujiandikishe upande ule tafadhali. Paramount chief Hezbon Naibei amerudi? Bado. Okay, Loice Musenjen?

**Loice Musenjen:** Asante sana Mwenyekiti, mimi ninaitwa Loice Musenjen, na ninaunga mkono wale waliongea mbeleni juu ya land, juu ya education, juu ya culture. Na ningependa kuongeza zile ambazo hawakutaja na moja yao ni juu ya freedom of worship.

Ilitajwa ya kwamba siku ya Sabato iwe recognized. Constitution ya sasa inasema ina recognize freedom of worship. Lakini kuna activities zingine ambazo zinafanywa siku ya Sabato ambayo ni Jumamosi na ningependekeza ya kwamba, activities kama za harambee, kwa sababu hata SDAs wangependa kuhudhuria hizo harambees ziwekwe kwa siku nyingine isiyo siku ya Jumamosi ama Sabato.

Kitu kingine ni ya kwamba, kama hiyo Constitution inasema kuna freedom of worship, hata SDAs ambao ni ma officer kama recently, a DO in Busia was interdicted because he did not go to read the President's speech on Madaraka day. Na kweli kama freedom of worship iko, si huyo angeruhusiwa aende kanisani na mwingine apewe hiyo kazi? Sasa sijui ni nini imefanyika kwake, lakini hiyo ndio tulisoma kwa gazeti.

Na ya kwamba, this freedom or right iwe na condition ili tusiwe na dini zingine ambazo zinatoa binadamu kama sadaka. Mimi ninajua sheria, hiyo ya kuua ni against the law. So, tafadhalini wasiwe registered, groups kama hizo zisiwe recognized, zitolewe na zikataliwe.

Kitu kingine ni juu ya caning in schools, on education. Caning should be reinstated, I support someone else who spoke before because even the bible says ati uki-nyima mtoto kiboko, humpendi. Kwa hivyo kiboko kiweko ili watoto wapewe discipline, na ukifundisha mwanzoni akiwa mdogo ata kumbuka na hata rudia makosa. Kwa hivyo God allows that in the bible, in the book of Proverbs.

Education: Mama mwenzangu alikuwa ameongea juu ya education na iwe education free, watoto wote wapate education whether msichana ama mvulana si ati wakati hakuna pesa msichana asiende shule na mvulana aende shule. Ningeomba ya kwamba kama msichana anakosa school fees, serikali isaidie huyo mtoto kama ni bright aendelee kusoma. Asaidiwe kwa sababu mzazi pengine hawezi na atabagua watoto, atachukua mvulana shule na akatae kupeleka huyu mwingine.

Now regarding land issues, land registries, every district which has been created needs to have every department of the government. Na hii mambo ya land registry kwa Mt. Elgon for example, hiyo ofisi hakuna na watu wanaenda mpaka Bungoma.

Kwenda Bungoma na kurudi kwa kitu kidogo unatumia pesa nyingi hata kuliko hicho kitu ambacho unarudi kuichukua Mt. Elgon. Kwa hivyo ningependekeza ya kwamba land registry iweko kwa kila district. Na ningependa kusema hiyo ni ya mwisho kwa contribution yangu. Asante.

**Com. Mosonik Arap Korir:** Please wait kuna maswali?

**Com. Zein:** Mama, unaweza kutupa mfano wa dini inayotoa mtu sadaka?

**Loice Musenjen:** Tuliambiwa au Tumesoma na Tumesikia kulikuwa na Commission ingawa ripoti yake haikutolewa, ya kwamba kuna kikundi ambacho kinajiita ama watu ambao wanatambuliwa kama devil worshippers. Recently kuna watoto pia walienda strike kwa sababu kulikuwa na ceremony kama hiyo conducted in school.

**Com. Mosonik Arap Korir:** Asante. Maybe kabla ya kusikiza .....(inaudible) na muwe mkizima hii microphone mkimaliza kusema. Pastor James Oyoo of SDA, kama ni kufafanua yale amesema huyo madam.

**Pastor Boyoo:** Mr. Chairman Sir, I am Pastor James Boyoo from Kapsokwony, I am here to speak of behalf of the SDA members who are actually 55,000 in this Mountain and the population is one hundred and thirty three thousand as per the census in 1999.

As regards the Constitutional review, we feel it is a pleasure to present the following views as Seventh Day Adventist community in Mt. Elgon.

1. There should be clear distinction between the church and the state as regards operations. The state should respect the church and vice versa.
2. There should be no case of a state church systems such as it is in Vatican, Somalia and Sudan.
3. The government should allow every citizen to worship God according to his/her conscience so long as this does not cause of breach of peace.
4. There should be freedom of assembly and association in worship matter.
5. SDA students, pupils, teachers and all employees in the private and public sector should be allowed to rest or worship on Saturday, that is Sabbath. And it is biblical, Exodus 20 verses 8 to 11. And this means that it should be evening and evening, it means from sunset Friday evening to Saturday evening.
6. There should be freedom of every adult to choose to belong to a religious sect where his/her conscience is comfortable.
7. The government of the day should by all means be able to protect the lives of her citizens from both internal and external attacks.
8. The Judiciary, like other government arms, Legislature and the Executive should operate fairly impartially and effectively to every citizen regardless of the race, tribe, religion and sex. Justice should be seen to prevail in all law courts all the time and that is biblical, Exodus 23, 6.
9. The government of the day should respect and protect the property of every citizen and that is in Genesis 23, 16-20. And in regard to that, the Chiefs' Act should be re-instated.
10. The government should allow parents and teachers to discipline children in line with God's command, that is

11. The government of the day should allow employed couples to work and leave together as one body. This promotes strong family ties and may control HIV/AIDS pandemic and other social evils. That is in Genesis 2:24.
12. The government of the day should regard all children basic rights and seriously condemn all forms of child abuse such as raping, employment of under-aged children, circumcision of girls and marriages of under-aged girls. Those addicted to raping practices should have capital punishment immediately.
13. In marital status the government of the day should honour husbands as the heads of household. This is the command of God, in Ephesians 5:23–25, and should not be taken to mean mistreatment to women or wives. Wives are important and complimentary in family life. The government should equally identify the role of women in community development and promote gender equity.
14. All parliamentary general election should always be held on a week day and never on a Saturday, a day meant for worship to honour God the Almighty.
15. All law courts should avoid death sentences to criminals and instead introduce alternative penalties such as life imprisonment and long-term sentences. Death sentences are not in line with God's words, Exodus 20-vs.13.
16. The government of the day should always be conscious of the economic status of its citizens by taking appropriate measures against those corrupt leaders and businessmen and women who grab almost every resource they come across.
17. The government of the day should be able to rehabilitate and protect the agricultural sector by improving marketing services and creating industries at rural level.
18. The government of the day should be able to promote and protect all natural resources including forest, wildlife and others.
19. The Constitution should limit the Presidential terms of office to at most two of five years each. A longer term of office of more than ten years tends to render the leader indifferent and insensitive about plights eroding the nation. That is in Proverbs 26: 16.
20. We as Seventh Day Adventist believers prefer to have a federal type of government to replace central government. The latter tends to ignore or exploit the development of minor communities. May God bless you.

**Com. Zein:** I suggest a small clarification, on one hand you say rapist should face capital punishment and then on the latter part of your submission you are saying that capital punishment is un-Godly therefore we should not have capital punishment.

**Pastor Boyoo:** I think I am very clear here that those addicted to raping practices should have capital punishment metted on them. But they should not be killed.

**Com. Zein:** Capital punishment means killing.

**Pastor Boyoo:** No.

**Com. Mosonik Arap Korir:** Okay, asante sana Pastor. Chemwolin Ndiwa Kitui.

**Chemwolin Ndiwa:** Ma-Commissioner, kwa haraka haraka tu yangu ni hivi..... Mimi ni Ndiwa Chemwalin. Ili tuwe na Katiba mpya ya Kenya mpya, kwanza kabisa lazima tuzime yaani tu-abolish all colonial laws ambazo ni repressive and oppressive.

Land ordinances pamoja na land Acts zote za kikoloni zitupiliwe mbali. Land laws: Katika sheria Cap 230, ya compensation, Section 143 ni juu ya title deeds, kwamba mtu anaweza reposses a title deed. Ninapendekeza kwamba kitu kinaitwa title deed kitupiliwe mbali katika Kenya, kwa sababu hiyo ilikuwa ni ya wakoloni na sisi hatuhitaji kabisa.

Ingingine, yale resolutions, mapendekezo ambayo yalitolewa Lancaster House, katika ...

**Com. Mosonik Arap Korir:** Tumsikize, tutamuliza vile amesema, title deed itupiliwe mbali?

**Chemwolin Ndiwa:** Itupiliwe mbali katika Kenya.

**Com. Mosonik Arap Korir:** Halafu?

**Chemwolin Ndiwa:** Halafu local communities wenyewe watajua vile mchanga wa Kenya utakuweko, kwa sababu title deed hii ndio imeleta ufisadi, ndio imeleta unyang'anyi, wengine wanachukua land kama Trans-Nzoia, wanasema mimi niko na land title,

I am entitled to this land na hiyo sio kwao, tunataka itupiliwe mbali.

**Com. Mosonik Arap Korir:** Okay, endelea tafadhali.

**Chemwolin Ndiwa:** Lancaster House conference, zile resolutions za 1962 ziwe available kwa wananchi wote, ili tusome tujue waliamua nini wakati huo. Kwa sababu ...

**Com. Mosonik Arap Korir:** Tafadhali tumsikize.

**Chemwolin Ndiwa:** Ninasema resolutions za Lancaster ya 1962 zipatiwe wananchi wote wa Kenya ili tuangalie waliamua nini wakati huo. Zile nzuri tutachukua, ile mbaya tunatupa. Ingingine ni kwamba hakuna pahali katika Kenya panatiwa government land, hakuna pahali panaitwa private land. Na hatutaki trust land, wala land control boards, land yote iende katika local natives, wananchi wenyewe, kwa council of elders ili wajue watafanyaje.

Pamoja na wale inatiwa land adjudication board, hao wote ni group ya wale ambao ni wafisadi. Mambo ya adjudication, watu wengine ndio wanakuja ku-adjudicate nchi yetu, kidogo anataka karasta kidogo ili apewe, tutoe hizo zote.

Tunahitaji united states of Kenya, ambayo inaitwa federal government. Ninaunga wale vijana wa university isipokuwa kwamba ile North Rift iwe Turkana, Pokot, Sabaot, Sengwer na Marakwet na sio Nandi. Na iitwe Chepkoilel Province.

**Com. Mosonik Arap Korir:** Tafadhali useme tena, yaani iwe Chepkoilel Province,

**Chemwolel Ndiwa:** Iwe Chepkoilel Province, hiyo ni ya wa Turkana, wa Pokot, wa Sabaot, Sengwer na Marakwet.

**Com. Mosonik Arap Korir:** Local communities should come up with principles of governance of their own homeland. Kama vile South Africa wanafanya Bantus stand, ndio tunasema the local communities will come up with their principles of governance. Tunataka vile vile structural judicial systems which will create and check the powers of the council of elders.

Hatutaki Kenya ya Nairobi, tunataka Kenya ya the council of elders na tuwe tu na local structural judicial systems. Neno squatter itolewe kabisa katika Constitution kwa sababu hakuna mtu ambaye ni squatter katika nchi yake.

Colonial names kama vile Trans-Nzoia, Uasin Gishu districts zitolewe na ziwekwe majina ya kikabila kwa ma districts ambazo ilikuwa zikimilikiwa na wazungu. District boundaries lazima zichorwe upesi iwezekanavyo. Hata Mt. Elgon nafikiri haina district boundary kamili, ichorwe kulingana na makabila, sio kulingana na vile inaitwa Kenya. Hata Kenyatta alisema namna hiyo in 1961.

Constituencies zile vile ichorwe kulingana na makabila wala sio ati sijui inaitwa population, ingine sijui topography, ni makabila na constituencies zao. We need a local Law Commission and not National Commission ya land. Ninakubaliana na yule mwingine kwamba hakuna Commission of lands, hatuhitaji hiyo katika Constitution mpya.

Vile vile tunataka ku-amend Forest Act to address the question of excision ili kwamba ile mali yote ya forest iende kwa wale watu wa sehemu hiyo. Tunahitaji vile vile a locus standi ease ambayo should be put in place to save the lakes, the rivers and forest. Kuna mahali panaitwa shrines and sacred grooves, mahali ambapo makabila walikuwa wanaomba Mungu. Kama kwa mfano sisi kuna mahali ambapo panaitwa Chepkoilel pale Mogoiwet katika Endebess ambapo sasa panaitwa Elgon downs ambapo pamechukuliwa na ADC na watu wa Kenya Seed. Hiyo ni sehemu ya sacred land ambayo tunahitaji kwa mambo yetu.

Tunahitaji vile vile mahali panaitwa Cheberem, ambayo ni ADC Chepchoina ile ni salt lick, pahali pa watu wetu. Kwa hivyo tunahitaji irudi nyumbani ili tufanyie mambo yetu ya kinyumbani. Kama kuna nchi inaitwa ten miles coastal strip, ya watu wa Arabu na watu wa Coast, hata sisi if that one belongs to the Coastal people, the Mijikendas pengine, basi the ADCs and the KARI things should also belong to the Sabaot community of Western Kenya.

Land adjudication Bill ya 1999 should be enacted and put as a law, kwa sababu hiyo inasaidia minority tribes. Tribal clashes Bwana Commissioners, was just a means of expression by those oppressed but not castigated by any high authorities, nataka muweke hiyo mahali ili watu wengine wakisema at wa Sabaot waliambiwa na Moi wapigane ama sijui nani waliambiwa, this was a means of expression of those oppressed.

Mwisho kabisa ningependa niseme namna hii, ili shida isitokee katika Kenya na ili watu wasiulize they are always asking, ati kwa nini clashes, hata pengine mtaenda pahali panaitwa Chesikak .... Mimi ninatoka Pokot, nimefukuzwa kutoka huko, nimefika tu saa hizi hapa, hiyo ndio ninasema na uchungu Bwana Commissioner. Kuna mahali pengine ambapo mtasikia watasema kwamba hawa Sabaot wa mlima huu wanatupiga sisi, wanafanya namna hii... Sisi tunahitaji Constitution ambayo italeti amani Kenya hii. Na hiyo Constitution ni ya kuchora ile mipaka ya wa Sabaot kulingana na vile ilikuwako and it is kwisha story. Hatutakuwa na shida, na hivyo ndivyo vile hata unasikia wanasema wa Maasai wanataka namna hiyo, hata wale wa North Eastern. Mimi ninafurahi kwa sababu hata wengi hapa, hakuna wale wanaitwa makabila kubwa, ni wale kama sisi. Kwa nyumba hii tuko pamoja.

So until and unless we address the land question in Kenya na tufanye vile watu hawa wanataka, clashes zitatokea, sasa itakuwa ni vita tu kama vile vya Rwanda na Somalia. Asante sana Ma- Commissioners.

**Com. Mosonik Arap Korir:** Asante. Chepkitalel Ogik, uharakisha tafadhali

**Chepkitalel Ogik:** Bwana Commissioners ninafurahi kwa wakati huu ambao mumenipa Bwana Chairman, mimi jina langu ninatiwa Kirui Cheptel. Nawakilisha Chepkitalel community of Mt. Elgon region. Kwanza ninahitaji kusema ya kwamba, vile tuko hapa ninaondoa jina Sabaot halafu ninasema “*chi tab koret*” kwa sababu hata na nyinyi ambao mumetoka Kipsigis, Mombasa, muko kwa jina la Sabaot ukiingilia ndani sana.

Hapo awali suk, walikuwa wanaitwa Suk, halafu walipogundua neno Suk ni mbaya wakajiita Pokot, na kwa hivyo hata wasomi wetu leo waondoe hilo jina Sabaot kwa sababu hata wale ambao walikuwa wametajwa kuwa ni wa Teso, ni wa Bukusu, wote wakiwa hapa tuko Sabaot. Hata wale ambao wameingia hapa kutoka pahali popote, tunawaaita wote wa Sabaot. Kwa hivyo ninaondoa hiyo, tunaitwa *chi tab koret* indigenous. Sasa sisi wote hapa ni indigenous. Na kwa hivyo Sir, we the members of the Chepkitalel community who reside in Mt. Elgon region...

**Com. Mosonik Arap Korir:** Tafadhali, tafadhali tumsikize?

**Chepkitalel Ogik:** We the members of the Chepkitalel community who reside in Mt. Elgon region wish to join other Kenyans

in the contributing to the on going Constitutional review. It is an important exercise and all communities in Kenya must contribute and their views be included in the Constitution. The Chepkitalel community wish to contribute in the following;

We want a federal system in the Republic of Kenya which is a unitary system of government.

Here, we live in a trust land. We propose that in the new Constitution management or ownership of trustland should be restored to the indigenous people who are currently living there. In the ownership of the trustland, it should be delinked from the activities of the county council.

The documentation of ownership and management of trustland should be done and revisited by both the government and the local authorities.

The trustland should be governed by the customary laws. Where the government, local authorities, organization and individuals have tampered with the land, it should be nullified and given back to the indigenous people respectively.

So, the rights of the minority indigenous people, we propose that in the new Constitution, they should be accorded special access to education, roads, security, health care, food security and proper housing.

They should also be accorded with fair and adequate representation in the Parliament system and local authorities.

In terms of public funds, they should be well distributed

They should have their own local leaders and have their member to be nominated to county council as special cases.

Their land rights should be respected, their land boundaries should be considered as the genuine ones.

The current land boundaries and rights were done without the consultation of the minorities who are the indigenous people.

Have access to employment in both public and private sectors. So the Chepkitalel community in Mt. Elgon region have been staying in the ancestral land called Chepkitalel from time immemorial. Chepkitalel land measures about one hundred thousand acres and it lies along the Mt. Elgon horizontally.

At the advent of the colonial government, the land was gazetted as a native reserve for the Chepkitalel community, this was later turned to be a trustland by the Kenya government after independence. It borders Uganda, on the Northern part while the Southern part borders the government forest reserve. So the Chepkitalel community, proposes the new Constitution of Kenya to include the following;

- i. Our identity should be *Chepkitalel Ogik* which means pastoralist.

- ii. Our land documents to be named after the name of the community.
- iii. The boundaries of 1929 and 1938 should be reviewed and permanent beacons established.
- iv. The community should be fully represented in the Parliament by a member who is appointed by the government to cater for the community's needs in the Parliament. This is to be so, since the community cannot be able to elect one of their own as a representative, they are a minority.
- v. Security of the community should be guaranteed in the new Constitution. The current Constitution does not guarantee any tangible kind of security.
- vi. Education should be made compulsory and accessible to every member of the community. The current Constitution does not give a right to educate since some of the schools that existed on our land in early 1960s were demolished by the Provincial Administration but no one dared to stop it.
- vii. The community needs special seats in the county council of Mt. Elgon, so as to enable it to have adequate representation in the local authority.
- viii. Finally Sir, we look forward to a new Constitution that will give protection to all irrespective of race, tribe, class or gender difference. The rights of indigenous people be safeguarded in the new Constitution. Sir, I end there.

**Com. Mosonik Arap Korir:** Asante sana. Ujiandikishe jina lako upande ule. Willis Sikei? Reuben Kiboi? Sasa uta take one minute, two maximum eh?

**Chepro Reuben Kiboi:** Bwana Commissioner, my names are Chepro Reuben Kiboi. I would like the Constitution to gurantee the following in education;

- Each monogamous family to be entitled to free education for four children from nursery school to university. Incase of a polygamous family, two children per woman should be guaranteed free education upto the university.
- I will also propose in a secondary schools B.O.G. members, except for the co-opted members must be university graduates to serve as role models for children in that given institution so that they are motivated towards higher learning.
- I will also want to propose for one to be a Chairman in a university counsel it is fair for one to be

**Cheprok Kiboi:** I want to propose that for one to be a Chairman in a University council, it is fairer for one to have a minimum of a doctorate so as they don't malign the lecturers.

Lastly in that section, I want the Higher Education Loans Boards to have a representative in each ethnic community from every district so that the problems of loans can be articulated right from the village level. Thank you.

**Com. Dr. Mosonik:** Asante sana. Robinson Kemachas.

**Robinson Kemachas:** Mwenyekiti wa Tume ya leo, wananchi wote wa Mt. Elgon. Jina langu ni Robinson Kemachas. Ni mwenyekiti wa kamati ya Katiba katika mlima huu. Wakati tuko na CEPs, yaani Civic Education providers na wale wengine ambao walikuwa wanafundisha across the mountain. Tumekuja na karatasi na Tumeona pendekezo na tangu wengine watoe toe maoni hapa, ningenelea mwenyekiti, ikiwezekana preamble ya Katiba ya Kenya itoke Mt. Elgon. Na itasoma hivi; nitasoma kwa Kiingereza.

**Com. Mosonik:** Lakini kama umeandika, upendekeze tu, halafu utatupea tutasoma baadaye.

**Robinson Kemachas:** Asante. Nimependekeza na nimeandika lakini kwa kifupi, katika Constitutional supremacy, sisi Mt. Elgon Tumesema hivi; hakuna mtu atageuza Katiba, hata si Bunge. Igeuzwe through referendum.

Citizenship: Tumesema hivi, mtu atakuwa mtoto wa Kenya, kama wazazi wote ni wa Kenya. Huyu atakuwa automatic citizen.

Mtu yeyote ambaye atakuwa Mkenya through registration, should not be allowed to compete for elective posts kama Councillor ama MP. No spouses of Kenyans, regardless of gender, shall be automatic citizens. Personal documents they are now, should remain. But a citizen through registration should hold a different ID.

Political parties: Tumesema hivi, Katiba I-regulate the formation of political parties and the few parties identified should be financed by the State. Katiba pia isiruhusu vyama ambavyo vinadhaminiwa na matajiri. Pia Katiba ichunguze kabisa wale wanaruka kutoka chama hiki na kile. Maana hawa wamekuwa malaya wa siasa katika nchi hii. Sisi tumetembea tumeambiwa ya kwamba, President yule tunaenda kuchagua, awe ceremonial President lakini Mkuu wa Serikali awe Prime Minister. Na nchi hii igawanywe into fourteen regions that we have Federal Government. Sitataja yote yako kwa karatasi.

Nimesema kwamba katika Bunge, nomination of MPs should continue but it should be reserved for special groups. Women, youth, disabled, the minority marginalized tribes, zile wameongea juu yake hapa na nimetajataja hawa. They were forsaken by the colonial Government and the post-independence Government, such as the Sabot, the Sengwer, the Ogiek, the Maasai, the Pokot. They should be given first priority.

The political set up in this country Mr. Chairman, does not allow a co-alition Government. Why? Because most of us are not patriotic, we serve our tribes more than our parties. So, if you bring somebody from a different party to run the Government with you, all the Government secrets will be leaked. So, we say this country is not fit for a coalition Government may be a hundred years from now. The President shall also have powers to veto whatever has been decided by the Government. That is the Prime Minister. The President should have powers to veto. Otherwise, we will have no control.

The Executive: Whoever wants to be the President, must have attained forty-five years but he should be below seventy-five years. He must also be a Kenyan citizen by birth and is able to trace his family three generations behind.

### **Laughter from the audience.**

Most of all, these personal attributes of the President, should be non-alcoholic and should actually be seen to be God fearing.

The Provincial Administration structure shall remain but at all levels, the post shall be elective. All of them should be elected.

Local Government: Mayors and Chairmen, shall be elected by the people. Si Councillors kwenda na kuchaguana wachache

huko. Watu wachague hawa. The candidate for the post of a Councillor should be a physical resident in that Ward. Physical, mark the word physical. The Electorate should have powers to recall their civic leaders. If 1/5 of the registered voters shall sign their names and then we shall carry out the referendum by the Electoral Commission of Kenya.

Basic Rights: The Constitution shall create the office of the Ombudsman, where all human rights or fundamental rights shall be addressed.

**Com. Mosonik:** You know when you say Ombudsman. Just say Ombudsman and that is enough. Because we want you to hurry up please.

**Robinson Kemachas:** As far as some Basic Rights are concerned, the Primary education shall be free for all Kenyans in the new Constitution. The (HELB) Higher Education Loans Board should avail loans to those pursuing higher learning in private or overseas colleges or even in the tertiary colleges like these ones of diploma it should not be restrained to only the Local Universities.

The Constitution shall also guarantee the enjoyment of local natural resources by the local residents. This one has been said by most of my colleagues.

The rights of the vulnerable groups: I want to stress on this one. In Kenya in the current Constitution we have two hundred and ten parliamentary seats. Women should be given ten percent of the total parliamentary seats and shall equitably be distributed among the regions. Youths should be given five percent of the total parliamentary seats and shall also be equitably distributed among the regions. The disabled should occupy 2.5% of the total parliamentary seats. The experts who should be advising the Government, should occupy 2.5% of the total seats and the marginalized communities in this country, Sabots, Ogiek and others included should occupy five percent.

Land property rights: Number one, no individual should hold a Title Deed of over a hundred acres. Anything above that should

be a leasehold of fifty years. Inheritance of land from fathers to sons should be simplified by using clan elders. The current expensive succession cases in courts should be stopped and in case of interstate or where somebody dies without any will, then the clan and the council of elders shall be consulted and Title Deeds issued.

Non-citizens or citizens through registration shall own land but on a twenty year renewable leasehold certificate. Men and women alike shall have access to land equally. The land treaties entered during colonial times and were messed by the post-colonial Government should be reviewed and corrected immediately. Land cases that were heard by colonialists through their cronies should be reviewed and corrected for future stability. These cases displaced the bonafide owners of the land and people from neighbouring countries were given the land. This is very common along the territorial boards like Mt. Elgon, Teso, Busia, Pokot, Turkana, Moyale, Marsabit, Mandera, Kajiado, Kwale, Taita Taveta, Narok and Kuria.

Kenyans may own land anywhere in the country but several conditions must be observed. Most important of them all is the historical background. If this is not done, the re-current of the 1991-1992 clashes shall be witnessed. For example, a non-Maasai who wants to own land in Narok, Kajiado or TransMara may do so, only if;

1. He shall not acquire a Title Deed for that land.
2. He shall hold a renewable lease of twenty years so as his character is checked.
3. He shall not seek elective posts there in like for Councillors or MPs.
4. He shall qualify to have a Title Deed in urban areas only for commercial purposes.

Cultural, ethnic and regional diversity: Cultural heritage shall be guarantee by the Constitution and that all Kenyans shall live without dehumanizing them because of being a minority. The Constitution shall protect the marginalized communities by apportioning them with special seats. I don't need to dwell on that because my friends have talked about it so much.

Management and use of natural resources: I am very strongly suggesting that the poll tax, kodi should be re-introduced in this country. Even if it is not officially there, it is being done through other ways. The office of the Prime Minister should deal with

that kodi. The Government should plough back all the income generated from the natural resources in a Local Council. The Auditor General's office shall comprise of credible persons if possible hired from abroad, to oversee the impartial use of public funds. Our own sons and daughters have in the past failed us because they have been manipulated by politicians.

**Com. Mosonik:** Will you finish please?

**Robinson Kemachas:** I am finishing up. Participation in the Government: The Constitution should embrace the PRA, that is Participatory Rural Appraisal Approach for the Development and Poverty Reduction in the Republic of Kenya especially Mt. Elgon. The C.B.Os, the NGOs should fully participate in the rural development.

Constitutional Commissions and Institutions Office: The establishment of Ministry of Justice and Constitutional Affairs should be formed to coordinate and manage the established Constitutional Commissions such as Human Rights Commission, Gender Commission, Anti-Corruption Commission, Land Commission and other Commissions to be formed.

Succession and transfer of power: Mr. Chairman, during the Presidential elections, the office of...I think somebody else had talked about that. The Constitution shall make provisions for the former President in terms of personal security, personal and family welfare and immunity from legal process. If this is not guaranteed, the retired or outgoing President shall be a victim of malicious designs and therefore civil strife in the country just as we are witnessing in Zambia. Thank you very much.

**Com. Mosonik:** Vile umetusomea, ningependa sisi sote tuelewane. Hiyo sasa ndio inaitwa memorandum, imeandikwa kulingana na kijitabu kinaitwa Maswala na Maswali, Issues and questions, na muwe na hakika kwamba tutasoma memorandum. Kwa hivyo usitusomee memorandum, you only highlight. He was talking as a representative of a group, I have let him continue. He was also the Chairman wa CCC wa area hii. Lakini tafadhali wengine tukiwa na memorandum, tu-highlight dakika moja, mbili. Kuna watu wengi hapa, na wote wamejiandikisha kuwa wangependa kutoa maoni. Asante sana. Andrew Chemaiye? Halafu Morris Chemote. Francis Kirui? Tufupishe tafadhali.

**Andrew Chemaiye:** Commissioners, I am Andrew Chemaiye, a retired teacher. I have a few observations to make, some of them are just to emphasize on what previous speakers have said and I feel like they have not done it well. So, I will repeat where necessary.

One, land issue: Mambo ya mashamba ndio shida ya kila Sabaot kwa hii mlima na tunataka Katiba ijaribu sana, izuie hao watu kwenda kupotea. Na ninasema hivi, tunataka mpaka. Tunataka ule mpaka wetu tulioweka wa mbwa ichorwe mpaka Kamukuywa na tupewe district yetu. Halafu ichorwe ingine ya kufikia hiyo na ile ya Trans Nzoia mpaka ishikane na Cherang'ani and Sengwer.

**Com. Dr. Mosonik:** Mpaka wa Mbwa ulikuwa wa mwaka upi?

**Andrew Chemaiye:** Mwaka wa elfu moja, mia nane themanini. Kama nitasema uwongo kuna wazee hapa ambao walikuwa wanaishi au walikuwa karibu na hapo.

Ya pili, mimi kusema hivyo Bwana Chairman ni kwamba, juzi nimekuwa kwa gari na mtoto wangu nampeleka shule. Halafu nilitishwa na mwenzangu, nikasema now, who will protect me here? Nilimwambia, 'Wewe Moi anatoka, na nyinyi mlituaa na mlituibia, hamkutuaa kwa kutuambia, ngoja mtaona.' Nikasema haingekuwa mtoto, haingekuwa mtoto, ningeweka sheria kando na nikufe siku hiyo. It was just last week. So, I feared for my child who was going to school there. I tell you, God will forgive. So, to save the situation ambayo iko Kenya, we need communities to get their identified boundaries and they be set aside so that the Government comprised of tribes, controlled by Local Authority and they are held answerable to the Government.

Two, I want to say this, all the districts that along in the borders, we wish to register with this Commission that they should give them communication facilities especially Kenya Communications Exchange so that in case of security problems, we contact the higher authority immediately. I will quote an example, the year 1992, our neighbors wanted to wipe us out. Some were coming from down here; some called Odongo and so on were coming from this direction. I tell you, if it was not for the police intervention, we would be gone by now. So, each district bordered by external and distant neighbors should have Telecom

Exchange.

Three, I want to say that our communities have derailed so much, culturally, physically, educationally and so on. Because we don't have anywhere in the Constitution whereby the council of elders at community level are recognized so that these people can act as checks and balances.

Another thing on corruption, this was not mentioned, I am sorry. The Constitution should empower the public as watchdogs on corruption because I may see something that is going amiss in the community but I have nothing to do. I report, somebody says even if he reports what will he do? So, I want us to have a Government which will save us as a community. This minority in the community (inaudible).

**Com. Lenaola:** The boundaries, you said the boundaries ... I think you said from Kamukuywa. Just give me the areas that you say will form the boundary.

**Andrew Chemaiye:** The areas that will form the boundary, from this side.....

**Com. Lenaola:** One minute Andrew.

**Andrew Chemaiye:** Hapa itashika. The boundaries I want, the community ones actually should start from Luahaha, we call it Rokoth. That is, they call it Luahaha area. Then it borders Teso district, present Teso district. It passes through a place called Mwarie to get to the agreement of the discussion of 1880, and then comes to Chwele Market. This will now follow the tarmac road, it comes to Chwele Market, through Kimilili Market. It goes to Kamuguiyo. We call it Kamuguiyo. Then from there, I want my colleagues to help me. What I know is Tran Nzoia, I don't know where it ends here but the whole of Trans Nzoia is our ancestral land. It goes to Kitale, then borders the Sangwer which they have changed and called Cherangani. Cherangani is Sangwer land. Then it goes upto Pokot, we border Pokot and the Swami river. Should that be solved, I think our ancestral spirits will be very happy wherever they will be.

**Clapping from the audience.**

**Com. Mosonik:** Okey. Morris Chemuate? Morris Chemuate hayuko saa hizi? Francis Kirui?

**Francis Kirui:** Thank you Commissioners. I have sat down and I am tired so I will stand.

**Com. Mosonik:** One minute for standing and you finish.

**Francis Kirui:** I am Francis Kirui. Sorry because of being late. I want to say the following things; That anti-corruption body to be strengthened exceedingly and if possible, somebody from the opposition to head this body here. County Council bodies or rather the County, the Chairmen or the Chiefs for that matter to head the County Development Committees replacing the DDC. Of course the Provincial Administration should be scrapped completely off the face of Kenya. The law courts here should also be established at divisional and even locational levels so as to ease law process to the common man other than straining this fellow here.

Security to be brought closer to the common man. The local personnel to be involved in ensuring security in the local area. That will enable the common man in Mt. Elgon to enjoy security other than the cases here these days where the police...

**Com. Mosonik:** Tafadhali, tafadhali tusipige kelele.

**Francis Kirui:** Where the police end up telling people that the cause of insecurity in Mt. Elgon is as a result of the locals' own making at the present time. So, if we involve the local people, that will be stemmed out and we shall be saved. I want to say that an entirely citizens' board to be established in the whole nation. This will guarantee thorough checks and it will champion the rights of the people. It will assess the rights of the citizens nationwide, advise and help the ombudsman's office rightly. Another thing to be established is the military curriculum in all Secondary schools. They can also strengthen the National Youth

Service facility. At one time, let the youths serve the nation.

The advantages are that, at one moment, we shall partly shed off a lot of tribal orientation and assume a national outlook in the character of the people here. We shall also have boosted preparedness in service to the nation. When we come to the structure of Government, I think much has been said here but we want at least an Executive President, a hybrid system where we have the Prime Minister as head of the Government and then the President to have part of the Executive's power to head the Ministry of Defence and the Foreign affairs.

We should recall our Councillors and even the MPs. Noone has talked about the MPs. Somebody has talked of Councillors that by presentation of up to a thousand signatories, the Councillors should be recalled. For the MP it should be up to five thousand signatories of the registered voters. We shall need the Supreme Courts in the land, federal courts, political parties to be funded from the consolidated fund when it comes to campaigns, unlike the case that has been here the previously. The Parliament here, should be empowered to enact international laws and agreements. This will ensure that we do not just receive agreements forced on to the Government. It will access and bring things to the highest appoint when it comes to application in Kenya. But we have received certain things that have harmed Kenya. We thought that we would have a center to be established in the interest of Kenya such that nothing will ever be done without the center addressing the interests of the nation at hand. First, it must first be Kenya and not any other interests that may be foreign or in the name of Non-Governmental Organizations that come in and eventually they don't pursue the Kenyan interests but they become foreign here the way it has been done sometimes back. I think that is fine, because of time I will stop there. Thank you.

**Com. Mosonik:** Thank you. Give us the outline there. Submit it please. Lawrence Kiboi? Followed by Stanley Kirui. If you have a memorandum, just highlight please.

**Lawrence Kiboi:** Commissioners, my names are Lawrence Chemungeni Kiboi from Kokisila division. I would like to talk about the land issue. Here in Mt. Elgon, I think most people do not have Title Deeds. They use their forefather's Title Deeds and when it comes to development, they cannot be able to acquire loans because there is no security. So, I would like the

Registry to be centralized here in Kapsokwony to facilitate the land transaction. Also, the land boards to be strengthened and legalized. Regional Courts must be strengthened and those members must be chosen from the community around here to look into land disputes and land transactions in the case of Land Boards. Right now the succession of property here in Mt. Elgon is horrible because when the head of the family dies, the clan members who is the Chairman and the team, deprives the whole family of the property that is left out by the head of the family.

I think all the land should be under the directions of the County Councils in the case of ...I should say the districts should be changed to be called the Counties so as to be headed by the Chairman of the County Council. So, the Chairman of the County Council with his Councillors will be making by-laws. Regarding land issue, I will go back to the County Council. The County Council should have departments. The County Councils should have departments like education department, environment department, transport department, health, water, planning, trade, forests, wildlife and tourism, land, livestock, energy, industry and finance. That will determine how many Councillors we are going to have. But I am speaking not of Mt. Elgon only. This is a national issue. Here in Mt. Elgon, I think right now, we are having...Some of them have been amalgamated.

**Com. Mosonik:** You have made your point. You want all departments.

**Lawrence Kiboi:** Some of them can be joined if the number of Councillors are few to manage the department. I go to our national resources. Infront of you Commissioners, you see this water bottle? I think it is written Elgon Water or whatever. We should exploit our natural resources like the Mountain there at Chepkitale. We have bee keeping, we can keep hives for honey and this will give our people economic values. We have also rangelands there. These rangelands must be facilitated so as to give meat and milk. This will contribute to our economy very much. Another issue the forests. The forests here, we have four divisions in Mt. Elgon. We propose that in every division we must have an office managed by the community and the laws will be made by the County Councils as by-laws but in the community to manage that.

I am for Federal System of Government. We should have an Executive President who is the Head of State and Prime Minister as the Head of Government. The Federal System in the Central Government, the Executive will be incharge of defence,

incharge of foreign affairs, finance, appointing Constitutional officers and the Governors will be elected in the regions or Provinces by the people. I think we have forty-two tribes in Kenya, every tribe must have a representative to go to Senate House and the Members of Parliament will be elected from the constituencies.

**Com. Lenaola:** Nafikiri utasema pointi ya mwisho.

**Lawrence Kiboi:** Finally, I think people must be sensitized, like here now we have arable lands. People must be given agricultural officers as it used to be before. Extension workers to train people to plant tea here in Mt. Elgon, pyrethrum and build a factory here for tea so that our people can get employment. Those who are leaving schools, can get employment and we can also export this tea plus the pyrethrum. So, that is improving the economy of the area. Thank you very much.

**Com. Lenaola:** Thank you very much. Register yourself there. Stanley Kirui? Dakika tatu ndugu yangu.

**Stanley Kirui:** Commissioners, my name is Stanley Kirui from Kokisilo division. Yangu mengi yametajwa na nitapitia tu machache ambayo yako hapa. Kwanza nitaongea juu ya environment and natural resources. The natural resources have to be owned by the local community.

Management boards to be established for natural resources. Water flowing from Mt. Elgon must be sold to users elsewhere. That is, it should not be free as it is now. Examples of such cases are; Ndirisi water supply instead of Kamutiong' water supply, Bokoli water supply instead of Kimorong, Teremi water supply among others. Revenue to be received by Mt. Elgon County Council.

Tourism industry to be managed by County Council and not Kenya Wildlife Service. A certain percentage of income from the natural resources be set aside for local communities. The locals to be given chances to protect and conserve the resources and they should be direct beneficiaries. Natural Resources Commission to be established. Those are my views.

**Com. Lenaola:** Thank you. You have taken exactly two and half minutes. Asante kwa kuchukua muda vile uliambiwa. Jiandikishe pale. Asante sana. Samuel Kimukuu. Okey Mzee.

**Samuel Kimukuu:** Asante sana kwa kunialika kwa mkutano huu niseme mambo ya zamani. Mimi nilikuwa karani wa Chief na wakati mpaka wa nchi ya Kimilili na Elgon kuingia, uliingia kwa njia ya udanganyifu. Kwa sababu Chief alikuwa Murunga na askari wa Murunga walinyanyasa watu wa Elgon. Akija, anaweka baiskeli karibu mlangoni na kutoa valve ya baiskeli na pumzi inatoka. Pumzi inapotoka, yeye anatoka huko sasa na kusema, ‘Ooh watu wa boma hii, watoto wao wameshapasua baiskeli yangu na hii baiskeli ni lazima mnipe dume kubwa ya kutosha ndio niende kutengeneza. Na hapo kweli walitoa dume, akapewa. Kufika huko yeye anaweka hewa kwa baiskeli na kukimbia. Basi hapo matata ikatokea na Chief Murunga. Tukaambia askari wa Murunga, ‘usikanyange hii Mt. Elgon. Kumbe iko na uwongo?’ Na kweli hapo mtu mmoja alipigwa macho, mtu wa Elgon. Ni nini hii? Shauri gani?

**Com. Lenaola:** Ngoja tu kidogo. Endelea Mzee.

**Samuel Kimukuu:** Wakati huo, mtu mmoja alipigwa macho akavunjwa. Halafu Chief Tendet akapeleka ripoti Kakamega mpaka kwa D.C., akamwambia yeye na askari wa Murunga hawasikizani. Watu hao hao wanatumiza. Na kweli walipewa.....Sasa alipomwambia hivyo, akauliza, “unataka nini?” Akasema, “Sisi tunataka kujitawala peke yetu.” Tendet akasema, “Nataka nitawale watu wangu kwa maana hawa wananyanyasa watu”. Basi hapo D.C. akakubali, akampa Tendet barua. ‘Nenda, pelekea Chifu Murunga hii barua, mwambie Tumekwisha gawa nchi Elgon na Kimilili.

Basi hapo, Chief Tendet akaenda naye Murunga aliposikia hivyo, akawaita wazee wa Elgon wawili maana wanajua mpaka amekwisha kata. Akaita wazee wawili wa Elgon, akawadanganya akawauliza, ‘huko kunaitwa nini?’ “Huko kunaitwa Kipchelion.”Na hapo?” “Terem.” “Na hapo?” “Kibisi” Na yeye anaandika. “Na hapo? “Kimilili,” anaandika. Na hapo, (inaudible) akaandika. Na hapo Kamukulwa. Akaandika, maana D.C aliandikia Murunga barua ya kwamba nataka mpaka wa Elgon na Wabukhusu mahali mpaka wao ulikuwa unagawia ni wapi. Ndio akaita wazee wa Elgon wawili. Akauliza kiapo inaitwa nini? Wakaita, wakaita majina ambayo tunawaambia nyinyi sasa. Mpaka Kamkuywa. D.C. alipokuja, kufika anauliza

Murunga, ‘Ulipata barua yangu?’ Eti “ndiyo.” “Elgon ilikuwa inakwama wapi zamani?”

Akawaambia ilikuwa inakomea...nina barua tu. Nilipotoka Mumias, nikapata barua, pahali ilikuwa inakwama ni hapa. Wakaita yale majina ya uongo ambayo wazee wa Elgon wawili walienda kueleza yeye. Wakapewa hiyo barua eti alikuja hapa zamani na ni maneno ya jana, akasema zamani, alipokuja hapa alipata mpaka. Mpaka ndio huu. Ukaita majina hayo yote. Sasa, ‘Tendet, hiyo ni mpaka?’ “Hapana.” “Chief Tendet na Murunga, mpaka ni huu?’ “Hapana.” Tendet anakataa. Halafu D.C. anauliza Murunga alijuaje mpaka.

Alijuaje ati huu ndio mpaka? “Mbona mnaita majina yote kutoka huko mpaka Kamukuywa? Mlipata aje?” Na Tendet akarudia, ‘Aah, kuna mtu alipeleka wazee wawili wa Elgon wakaandika majina hayo.’ Na wazee hao tangu siku ile, wazee wakaja wakasema, “Ndiyo tulionyesha mipaka kama nchi.’ Sisi tunafikiri unatuita eti nchi hii inaitwa nini, huku kunaitwa aje, namna hiyo. Sisi tulifikiri alikuwa anataka ajue nchi tu hatukujua kama ni udanganyifu, eti adanganye ili mpaka upite. Mpaka mpaka huu ukapita karibu na ukuta wa mawe hapa hapa, mpaka Kamukuywa na Chepkaka. Sasa nchi yote, Kimilili wa Ladeo ni nchi yetu. Chesamis na Kamukuywa yote ni nchi yetu. Mpaka Teremi. Mtoni ya Teremi ni yetu, kwenda mpaka Malakisi. Sasa mipaka hiyo ilifuata ile ya lamu. Kutoka Malakisi, unapita tu mpaka unapata lami, mpaka mpaka wa Wazungu wa Kamukuywa. Ikakwama hapo. Hii lami ni ile lami tu. Mpaka hiyo ikiwekwa nafikiri sisi na Wabukusu tutakuwa majirani wazuri sana bila matata.

Nafikiri yangu ni hayo tu wazee wangu.

**Com. Lenaola:** Asante sana Mzee. Umetusaidia sana kwa maoni yako Tumeshukuru, jiandikishe pale. Nafikiri ni vizuri wazee pia kupata nafasi ya kusema mambo ya zamani ili ya mbele yawe mazuri. Tumsikize sasa Juma Simotwo.

**Juma Simotwo:** Salam Aleykum Waraha madullahi wa barakati. Mimi naitwa Sheikh Juma Simotwo, mwakilishi wa Supkem, Mount Elgon na nina machache mawili ya ku-present kuhusu uislamu ambao tungetaka Constitution yetu tukufu hapa Kenya iidhinishhe. Kwanza kuna jurist Judge aitwa Kadhi ambaye tungependekeza kila district hapa Kenya, wai-deploy yaani

waiandike ama ofisi ya Attorney General ilete katika district kama yetu hii na ingine. Hiyo tungependekeza iwe namna hiyo.

Kwa sababu Kadhi angeweza kuakilisha na kusuluhisha cases kama divorce cases hata kupita hapo, na marriage na mambo mengine kama inheritance. Sasa hivi tunaye Kadhi hapa Bungoma na anawakilisha Kakamega, Teso, mpaka huko. Kwa hivyo Kadhi aifanye vizuri.

Ya pili, tungetaka level playing ground. Yaani sisi Waislamu pia kama denominations zingine waakilishwe katika DDCs, DACs, Sub-DACs na public barazas ambazo ziko katika eneo ambalo wako ama katika district ili waweze kuchangia katika maendeleo yote ambayo inasalia. Kwa hivyo community representation saa hivi iko kidogo na sidelined na Sub-DAC meetings ama DDC meetings hawaakilishwi ama hakuna representative.

Pili, tungetaka waalimu pia waandikwe wale wakufundisha IRE yaani Islamic Religion Education katika mashule hii district ama katika idara ambazo zinapeana education kwa watoto wetu. Hii inamaanisha ya kwamba italeti opportunity iwe distributed katika watoto wetu ambao saa hizi wanasoma mambo ya Bible ama mambo ya Ukristu. Pia Wakristu wanatakikana wajue Uislamu ni nini.

Ya pili, upeanaji wa vitambulisho inatakikana uharakishwe. Saa hizi Tumepata kusikia ya kwamba mtu akiwa ana jina la Muislamu, wanamchelewesha sana kupata kitambulisho. Haya mambo ya discrimination, inatakikana iangaliwe na itengenezwe haraka iwezekanavyo. Kwa hivyo inamaanisha ya kwamba lazima tuwe na centers zingine za kupeana vitambulisho katika areas kama kwa province. Sio Nairobi peke yake. Kwa sababu mambo ya kupeleka vitambulisho Nairobi, hata inachelewesha kupeana vitambulisho kwa watoto wetu wengine.

Kwa hivyo upande mwingine, kuchangia tu, mambo ya mabarabara. Hizi barabara ndogo ndogo za murram zinatakikana ziwe localized. Hata Local Government ipate ile inaitwa authority ya kuandika au kupeana tenders. Watengeneze cal murram na mambo kama hayo katika local level na Federal Government iwalipe hawa through Local Authorities. Kama vile in the case of roads, kama Uganda wanafanya. Hao wametengeneza barabara zao ambazo ziko smart na kwetu hapa tunategemea tu Ministry of Public Works ambayo ni Central Government which is actually delaying everything.

Upande wa industrial sector, ningependa ya kwamba, tungetaka in the year 2020 tuwe industrialized. Inatakikana sector hii ya industrialization hapa Kenya iwe manned by our natives. Shares pia zipatikane kutoka kwa natives. Sasa kama leo, industry kama ya Panpaper, Nzoia na zingine hivi, utaona ya kwamba wanasema Serikali iko na forty nine percent, may be another foreign company is having fifty one. Hii fifty one ama forty nine ya Serikali, hatujui ni ya watu wagani. Inatakikana iwe local natives wa hapo wenyewe ili wananchi wenyewe wa-enjoy resources zao.

**Com. Lenaola:** Last point Sheikh? Jambo la mwisho?

**Juma Simotwo:** Kwa hivyo mimi naona ya kwamba ni vizuri tuwe katika enzi ya kukimbia mbio. Mambo ya industrialization iwe wholly Kenyan owned. Kwa sababu hiyo itamaanisha vijana wetu watapata kujua ujuzi wa kutengeneza, ku-manufacture vitu vyao unlike what they are doing now. Kwa sababu kila kitu hapa sasa hivi, iko foreign owned. Thank you.

**Com. Lenaola:** Asante Sheikh. Nimeomba niwape Councillors wawili waseme kwa maana wanaitwa kwa mkutano kwa ofisi ya D.C. Kwa sababu ya mambo ya kesho. Mtanikubali niwakubali waingie waongee sasa? Mtanikubali. Titus Mayeki na Pius Muyeye mkaribie pale. Dakika mbili mbili kila mmoja.

**Titus Lamayeki:** Asante sana Commissioner, mimi kwa majina ni Diwani Titus Lamayeki, nominated Councillor Mt. Elgon County Council. Nataka niseme kwanza kabisa, nimewakaribisha hapa Mt. Elgon. Ya pili, mambo ya Katiba ni mambo ya siasa na ndio maisha na ni vyema niseme machache kuhusu Katiba kabla sijaondoka. Kwanza kabisa Commissioner ningependa kusema memorandum nimepatiana hapa nyuma na nitaweza kugusia tu yale nimeweza kuangalia katika memorandum yangu. Mambo ambayo nimeona niseme siku ya leo ni mambo ya public finances. Nataka niseme kwa mambo ya public finance, the Auditor Controller General, inatakikana awe mtu independent na asimamie sana kwa mambo ya pesa na awe na security of tenure.

Jambo lingine, wale wote ambao walipatikana na makosa ya ufisadi, waombwe kupitia kwa hii Katiba mpya, kurudisha hizo

mali kwa sababu ni mali ya umma. Na ku-establish an independent anti-corruption body ambayo itashughulikia mambo ya kesi za ufisadi. Jambo lingine ambalo ningeweza kuongea juu yake ni mambo ya Local Authorities. Nataka niseme mimi mwenyewe nikiwa kama Diwani ya kwamba the Local Authorities, lazima zipatiwe nguvu na nitatoa mfano kama ile nchi ya Uganda ambayo tunaona ya kwamba, the system katika Local Authority imekuwa well established na ndio sababu hata imekuwa ni corruption free. Na ningependa hii Tume ikiwa inaweza ku-borrow a leave from the Ugandan Government ku-adopt the Local Authorities system ili hiyo power ya Local Authority ionekane wazi.

Jambo lingine ambalo ningependa kuongea juu yake ni mambo ya watu ambao wana ugonjwa wa ukimwi na wale watoto ambao wamepatikana na janga hilo la ukimwi, na wale street children. Bwana Commissioner, ningependa kusema ya kwamba, ile Katiba ya zamani haikuweza kuongea juu ya watu ambao wamepatikana na ukimwi na hao watoto wa street. Nataka niseme kupitia kwa hii Commission, hao watoto ambao ni wa street na wale wamepatikana na shida ya ugonjwa wa ukimwi, wapatiwe uwezo wa kurithi mali yao. Na wale street children, Serikali ambayo itakuja iangalie ni njia gani itaweza ku-settle hao watoto kwa sababu tunaona ya kwamba tuna janga la mambo ya thuggery na robbery katika miji na hii imetokana na hao watoto ambao wamekuwa watoto wakiwa mitaani na sasa wamekuwa wazazi katika mitaani. Kwa hivyo ni vyema pia kwamba, hao watoto wangeangaliwa. Kama sisi Wa-Sabot tunaitisha haki ya mashamba yetu pia hawa ni binadamu tu na lazima waangaliwe. Ya kumalizia ni mambo ya foreign relationship. Ya kwamba, the new Constitution should provide for a room ya ku-amalgamate international relations ama international treaties katika nchi yetu na tuone ni njia gani tuta-domesticate. Nikisema hivyo, naongea juu ya COMESA, naongea juu ya NEPAD. Tunaona kwamba hii nchi imepatikana ikiweka mkono katika mikataba mingine ambayo baadaye inakuwa ni shida kwetu kuingiana na hizo nchi. Kwa hivyo there should be a provision in the Constitution ya ku-control jinsi ya ku-sign hizo treaties. Kwa hayo machache nasema asante.

**Com. Lenaola:** Thank you very much for being very brief. Tumekushukuru. Councillor Pius fuata mwayo huo huo.

**Councillor Pius Muyayi:** Asante Ma-Commissioners ambao mko hapa. Pia nami nitatoa maoni yangu kuhusiana na yale ambayo Tumefikiria. Jina langu ni Councillor Pius Muyayi. Pia nadhania tuna memorandum ambayo Tumekwisha peana lakini ningetaka kuyagusia machache ambayo yanatokana na hiyo memorandum. Kwanza, watu wameongea juu ya marginalization

kwa njia nyingi. Lakini nitagusia tu marginalization kwa upande wa education. Sehemu hii ni sehemu moja ambayo imetengwa kwa mambo ya elimu na ningelitaka Katiba ambayo inakuja kuona na kusaidia sehemu ambazo zimekuwa marginalized, ikiwa Mt. Elgon ni mojawapo. Kama kuna uwezekano nadhania itakuwa kwa mambo ya scholarship. Tupatiwe special scholarships katika sehemu ambazo zimekuwa marginalized ili kielimu tuwe sawa na sehemu zingine ambazo zimeendelea. Hayo mambo ya scholarships yakuwepo na mambo ya bursaries kwa sababu wakati huu tunapatiwa percentage ndogo sana ikilinganishwa na sehemu zingine ambazo zimeendelea.

Vile vile ningetaka Katiba ambayo tunaenda kuandika ihusishe mambo ya re-distribution of resources iwe sawa. Kwa sababu sehemu hii imetengwa kimaendeleo kama vile hatuna barabara ya lami na tungetaka Katiba ionyeshe wazi kwamba kila sehemu katika nchi hii iwe na barabara ya lami ikiwa mmojawapo ni Mt. Elgon.

Kwa sababu hii ni sehemu ambayo inakuza chakula kwa wingi lakini ajabu ni kwamba Katiba ambayo tunayo kwa wakati huu imetutenga. Tungeendelea.

Kwa mambo ya land, siwezi kuongea hiyo kwa sababu wengi ambao wameongea wamekuwa na maoni kama yangu.

Lakini vile vile ningegusia mambo ya Local Authorities na ningerudia na kuunga mwenzangu ya kwamba, Local Authorities wawe autonomous, wawe na uwezo wa kujiendeleza wao wenyewe bila kutegemea Serikali kuu. Na mwenzangu ametoa mfano wa Uganda na tungetaka Local Authorities wawe autonomous. Kwa mfano yale mambo ambayo yalitendeka Embu wakati mmoja ambapo kulikuwa na leakage ya sewage. Local Authorities hawawezi kutoa pesa mpaka wawe na consent kutoka kwa Minister, na tukapoteza maisha ya watu wengi sana. Tungekuwa autonomous wao wenyewe wangepanya vile wangelitaka. Lakini powers wakati huu, nyingi iko katika Minister.

Vile vile ningechangia na kusema Mayors au Chairmen wawe elected directly na watu na wawe na kipindi cha miaka tano. Hii itaweza kupunguza mgogoro ambayo inatokea mara kwa mara kwa Local Authorities na vile vile wawe na kiwango cha elimu labda form four and above. Na hata wale madiwani wengine wawe na elimu kiasi ambacho kinawawezesha kuwa na majadiliano bora katika Council.

Vile vile Commissions ambazo zimekuwa formed hapo awali kabla hii yenu, unakumbuka kuna Land Commission ambayo hata wakati huu, ripoti yake haijatoka nje. Tungetaka Katiba ambayo tunaenda kuandika, ikiwa Commission inakuwa formed, lazima time frame yake iwe explained clearly. Badala ya Commission iwe instituted na ikae na ripoti yake haitoki nje kama hii ya Land Commission. Na hii yenu nadhania mmepatiwa time frame ambayo ni sawa. Kwa hivyo Commissions zingine ambazo zitaweza kuwa instituted in future should have a time frame. Mwisho, ni mambo ya rasilimali. Ningelitaka rasilimali ambazo zinapatikana katika sehemu hii ziwe zinafaidi wenyeji wa sehemu hii kama vile misitu na vitu vingine. Kwa sababu kwa wakati huu, rasilimali ambazo zinapatikana hapa, hazifaidi wananchi wa hapa.

La mwisho ni mambo ya culture (utamaduni wetu): Si vizuri mtu mmoja kuamka siku moja na kusema sitaki hii. Kwa sababu people without culture sio watu. People or a tribe is normally identified with its culture and without culture, you may not have an identity. So, with culture, it should be enshrined in our Constitution and we should respect people's culture. Not having one person waking up one morning saying, 'hii na hii ni mbaya.'

Mwisho kabisa ni directives: We have been ruled by...

**Com. Lenaola:** Sasa umekuwa mwanasiasa. Mwisho kabisa?

**Councillor Pius Muyayi:** Mwisho kabisa ni zile directives. We have been ruled by directives in this country, mtu mmoja anaamka siku moja na kusema nime-direct hivi badala ya ku-quote kutoka kwa Katiba. We would like a situation whereby we are ruled by the Constitution but not through the directives. Kwa hayo machache, nasema asanteni sana.

**Com Lenaola:** Asante Councillor Pius. Jiandikishe pale hatuna swali. Susan Chepkirui afuatwe na Martin Shimoto, afuatwe na Stella Naibei.

**Susan Chepkirui:** Nafikiri leo tutasema mengi. Mimi naitwa Susana Chebet, natoka Kaptama. Nitaanza kwa mashamba.

Mashamba tumesema tuko na maskini wengi sana. Wenye walienda Kapenguria, wa Pokot wanawafukuza, “Nchi yenu ilikuwa wapi?” Wakasema “Mt. Elgon kule Mlimani.” Hata watu wetu wakatoka wapi, Salot, wako wanataabika, hawana shamba. Na mimi nasema ya kwamba, hii shamba wakati walipewa ardhi ya Katalale, hiyo shamba ikawa ya matajiri. Wale maskini kabisa kabisa wakaachwa. Maskini anahangaika, tajiri anabeba shamba yote, eka mia moja, eka mia mbili. Hakika ile shamba hauwezi kutembea na miguu, lazima utembe na gari. Ndio mimi naleta maoni yangu. Serikali ilisema muende mutatue ile shida yoyote ambayo mko nayo. Hata mimi niko na watoto ambao hawana wazazi. Mama yao aliaga, baba yao aliaga na vijana saba wako wanahangaika. Nilijaribu kwenda huko, shamba matajiri wanafanya iwe yao peke yao. Sasa mimi napendekeza ya kwamba mpeleke uchumi huo huko.

Jambo la pili bursary. Hakika hatuoni pesa za bursary zikifika pande hii. Ukienda kwa D.C. anakusukuma ya kwamba enda shule, sikilizana na headmaster. Kwanza hata mimi ni mmoja wao. Nilienda shule ingine, hao wanakuwa na ubaguzi, wangu wakaachwa nje. Ninapendekeza ya kwamba hii pesa ya bursary, mbona kila sehemu inapata, na ya Mt. Elgon inaenda wapi? Na kuna watoto maskini kabisa kabisa. Sasa watakuja rudi kuwa majambazi. Ya kwanza napendekeza mpeleke huo uchumi wapi? Kule. Pesa ya bursary ifike wapi? Mt. Elgon. Hapa hapa Kapsokwony, sisemi pahali pengine.

Ya tatu, ni kuhusu kuchagua watoto wa Mt. Elgon hapa. Hakika ninashangaa kuhusu maneno ya juzi. Watoto wakajaa, wakataabika mpaka saa tisa, saa kumi. Hakika hii hii mfuko ndio inaweza kuendelea. Sasa mimi nasema, huyo mkubwa akiendelea na mtoto wa maskini atafanyaje? Na baba yake hana kitu. Mwambie mwenye anaenda kuchagua asifanye mapendeleo ya pesa. Mwingine mama yake, au baba yake amekufa, hata hana kitu cha kusaidia mama yake. Hakika anarudi bure. Ndio mimi nasema peleka huo uchumi wapi? Kule. Waambie watu wa Mt. Elgon wanasema wakati wa Uchaguzi kuna wenye wanakwenda kuchaguana usiku. Sisemi uwongo mbele ya Mungu. Umaskini unarudi. Peleka huo ujumbe huko.

Tena waalimu. Tuko na waalimu ambao wamemaliza colleges na ni wengi sana, chungu nzima. Wakati wa kuchagua inakuwa shida. Hata wengine wamekuwa wazee, ama namna gani? Si wengine wamerudi kuwa wazee bila kuchaguliwa? Peleka hayo maneno. Kwa sababu wanasema hapa Mt. Elgon tunaenda kuchagua, watoto wanaenda college, wakati wa kuandikishwa kwenda, ikawa matanga. Watoto kumi na watatu kwa hii district kweli ni vizuri? Kumi na watatu tu? Na wengine je? Ukienda

hapa chini, watoto wote watachaguliwa. Lazima upeleke huo ujumbe. Asanteni.

**Com. Lenaola:** Tutapeleka asante sana. Nitamuita nani, Martin? You have a memorandum. So you will just highlight your points please.

**Martin Simotwo:** Thank you very much. I am Martin Simotwo. I want to present my views to the Review Commission and I want to look at the following points:

1. The Constitution that we are going to write must state the tribes that make up this country. That is what I wanted to say. Then, apart from that, I want to say that the Ndorobos who are living in Mt. Elgon. (The way somebody was saying about and others, if you go to Kericho, they talk of Ogiek but it is the same thing). There are distinct groups even here and their way of life is different from the other communities because they are nomads. They keep animals and we would want that thing to be known to everybody. Apart from that, during the colonial times, we had our land, Chepkitale Native Reserve which later became a trustland.

I want to say that, that land should belong to the community and that land should be handled by Council of Elders from that community. This question of linking it with the County Council, we have had enough. Why I am saying so is that, since 1972, we have had so many evictions and we even want this one to go into the Constitution that the current Government must compensate us for the animals that we lost, that is from 1972 up to date. Because we have had over eight evictions from our land. I would like to ask a question whether a trustland is meant for animals or it is meant for human beings?

2. Another issue is on the ILO conventions. Our Government must domesticate all those ILO conventions which touch on minorities. Because in Kenya what happens is that they sign those conventions but they don't ratify them here in Kenya. Apart from that, we have these customary laws which talks about trustland and ABC. Customary laws must be put at par with the written law. That is my proposal. Then, we have practices like hunting and gathering. Those practices are ways of living and they must be legalized. You know, you go to some places and they say hunting is illegal. Why should it be illegal? Gathering fruits is illegal. It is our way of life, it has to be legalized.

3. Apart from that, on education issues, I propose that education be free from Primary to Secondary. Then let me go to health. Health, I would want to propose that every District should have a fully equipped hospital. Fully equipped and it should be free. The Constitution must state that it should be free and any Government, the Government that will be there, should make sure that those services are rendered.
4. Apart from that let me look at roads. Every district, we are proposing that it be written in the Constitution, that every district should have two hundred kilometers of tarmac roads.
5. The last thing I want to mention is that all elective positions in our Constitution must be part-time jobs. That means that no pensions, no salaries for those people. They will only be getting allowances and life continues like that.
6. Let me look at minerals.....

**Com. Lenaola:** That is the last point. Your last point.

**Martin Simotwo:** Thank you. Minerals we want to say that minerals should be for the communities. They should be handled by the communities and anything coming out of it, 80% should remain in that area, 20% goes to the Central Government. Otherwise, may I say that when it comes to representation, we need an affirmative action. That means in the Senat we must be represented. In the creation of constituencies, constituencies must be created basing on needs of the people not population. Because we can have three thousand people with different needs. Thank you very much.

**Com. Lenaola:** Thank you very much Mwalimu. I think we will read your memorandum. Samuel Tala. You have a memorandum, kwa hivyo dakika tatu.

**Samuel Tala:** Asante sana. Kwa majina mimi ni Samuel Tala, Mwalimu mstaafu. Nimekaa hapa, kwa sababu nilikuwa na maneno machache tu ya kusema na yale ambayo yametajwa na marafiki zangu sitarudia. Yangu ya kwanza ni Constitution of Kenya Review Commission. Constituion of Kenya Review Commission should be made permanent ili iwe institution ya ku-check Katiba yetu. It should be permanent. We should have a Constitutional Court, it should be the highest institution of laws. Laws zote ambazo zinatengenezwa ziwe chini ya Katiba ya Kenya. Uwezo wa kubadilisha Katiba ya Kenya( kwa sababu

saa hii inatengenezwa na wananchi) lazima wananchi tu peke yao ndio wanabadilisha Katiba. Isibadilishwe na vikundi ama Parliament. Uwezo huo upewe kwa wananchi.

Kitu kingine ambacho niliona ni political parties: Vyama vya siasa katika jamhuri ya Kenya ni vingi sana na vimeleta ukabila. Kila mtu anataka afanye chama chake, nataka Katiba hii ya Kenya ambayo sasa tunatengeneza, iwe supreme ya kuchunguza political parties na I-recommend kwamba tuwe na political parties tatu peke yake katika jamhuri ya Kenya. Na hizo zipate 15% popularity vote katika all districts za Kenya. Yaani popular ambayo inajulikana. Isiwe tu chama, kikundi ama kabila fulani wanakaa chini na wanaunda chama cha siasa. They should have 15% popularity vote.

Wanasiasa ambao wanachaguliwa na wananchi kwa tikiti ya chama yao, wasirukaruke kutoka kwa chama hiki, wanaenda kwa chama kingine. Hiyo mimi group ambayo tulikaa chini tuli-recommend kwamba, mtu ambaye, if he leaves his party, he should resign from politics and he should not be elected mpaka Parliament any term ingine ikuje. Because that one is confusing people. Hana siasa kamili ambayo inasimamia watu, huyo aondolewe.

Kitu kingine nilitazama ni children's rights; Rights za watoto. Watoto warithi because they are the ones to inherit the country. Kwa hivyo, they must be given good education. Elimu ya watoto should be called a child right. Child right hiyo, apewe masomo kuanzia Pre-Primary mpaka University ya bure. A some bure bila school fees au mahitaji yoyote. Pia watoto wapewe ile inaitwa free treatment . Watoto wote wapate, because that is their right. Because hawan income, hawana elimu. Kwa hivyo watoto wote wapate free treatment kwa mahospitali zote, national hospitals ziwe ziko Kenya. Whether it is private or what, children should have free treatment.

Watu wamesema juu ya land ownership. Mimi sitaki kurudia hiyo sana. Tumesema Trans-Nzoia ni yetu. All I want to stress is that, major causes of clashes ni vitu kama hiyo ya land. Therefore, hatutaki kuficha. Somebody said that it was actually an expression of our feelings. It was not... hatuhitaji clashes lakini kuna vitu ambavyo vinatupeleka mpaka tufanye clashes. Ni vitu kama umefinywa, umenyang'anywa, umesahauliwa and it causes clashes. Mambo ya udongo sitaki kusema mengi kwa sababu yamesemwa. Nyinyi kwendeni mchunguze na muandike vizuri.

**Com. Lenaola:** Asante Mwalimu. Jambo la mwisho?

**Samuel Tala:** Jambo la mwisho ni kuhusu ukulima katika Kenya. Katiba yetu ya Kenya, haijazungumza maneno ya ukulima na industry. Wakulima Kenya sasa wamepoteza industries kama KFA, KCC, kila kitu na wame-allow nchi zingine walete vitu inside Kenya na sasa imepoteza soko kwa wakulima wetu. Kwa hivyo sisi tunahitaji kuwa Katiba ilinde ukulima na farm produce na local industries zile za nyumbani. Tusiangalie ile ya COMESA, ya wapi na wapi, na tunasahau hii ya nyumbani. Tunataka Katiba ichunge huu uchumi wetu wa nyumbani, farm resources. Thank you very much.

**Com. Lenaola:** Thank you very much. Asante, jiandikishe pale. Dismas Watima. Jackson kimukung. Watima, endelea.

**Dismas Watima:** Waheshimiwa Commissioners nashukuru sana kwa kunipa nafasi hii ili niweze kutoa maoni yangu. Mimi naitwa Bwana Dismas Watima, mwana harakati wa kutetea haki za watoto katika wilaya hii. Maoni yangu ya kwanza juu ya watoto ni kwamba mtoto huwa hapeani ombi la kuzaliwa. Lakini yale ambayo Tumeona ya kitendeka kwa watoto ni mambo makubwa sana. Ningependa kutaja mambo ya kunajisi watoto. Jambo la watoto kunajisiwa limezidi sana na unapata hili jambo latendwa na mtu mzima, mzee kama mimi. Lakini sheria iliyopo sasa hivi naona kwamba ni legevu zaidi, ambapo mtu anatenda kitendo cha aina hiyo lakini kuchukuliwa hatua ni vigumu sana.

(Interjection) (inaudible)

**Dismas Watima:** Can I go ahead? Nilikuwa nimesema kuna mambo ya uovu kama kunajisi watoto ambayo yanaendelea. Lakini sheria jinsi ambavyo Tumeangalia ni kwamba haiwachukulii hatua watu wanaotenda uovu wa aina hii. Kwa mfano, Tumekumbana na kesi kama ya mtoto wa miaka mitatu, kunajisiwa na mtu wa miaka thelathini. Juzi pia Tumepata kwamba mtu amemnajisi.....

**Com. Lenaola:** Tungependa sana utupe mapendekezo.

**Dismas Watima:** Basi niwie radhi pale. Kwa hivyo ningependekeza ya kwamba, kwa maovu ya aina hivyo, mtu akipatikana

amemnjisi mtoto chini ya miaka kumi na nane, apate kuwa castrated. That is the best punishment. Because it is being done even by Pastors and wonder.

Wacha nikuje upande wa elimu: Elimu kwa mtoto mdogo. Nitaongea juu ya elimu ya Msingi, Primary. Kwa sababu nikiongea juu ya Secondary wazazi wengine hawataajibika. Kwa hivyo Primary education has to be free. That should be provided in the new Constitution.

Then, healthcare: Mtoto chini ya miaka kumi na nane apate matibabu ya bure. Hii ipeanwe na Serikali because we are paying a lot of tax. Kwa watoto nimemaliza.

Kwa upande mwingine nitaongea juu ya ushuru ambao huwa tunatoa. Nafikiri sisi wote hapa ni vigumu sana kwa mmoja wetu kusema ni ushuru kiasi gani wanatoa. Kwa hivyo ningependekeza hivi, ikiwa Katiba mpya itapeana nafasi ili mwananchi apeane ushuru direct, kwa Kiingereza wanasema direct tax. Can I go on? Ikiwa tutapeana ushuru directly vile Uganda inafanya. nafikiri tutakuwa kwa nafasi kubwa ya ku-demand better services. Kwa mfano nikienda hospitali saa hizi nitaingia pale naambiwe ni cost-sharing but after paying some little fee nikiingia kwa yule anapeana madawa, ananiambia, 'go and buy all these.'

Ninataka ushuru tulipe directly. Tujue tunalipa kiwango fulani kwa sababu ya matibabu, tujue tunalipa ushuru kiwango fulani kwa sababu ya elimu. So that nikiingia hospitali na ninyimwe huduma za kiafya kupewa madawa, kuwe na nafasi ambayo nitaruhusiwa kuuliza, kwa nini sijatibiwa ile- hali nililipa ushuru kiasi fulani. Kwa sababu ya matibabu, we are really suffering and yet we pay taxes. Nitarudi kwa upande wa barabara, the Local Authorities.

The Local Authorities, let me talk of the council. Sioni kazi ambayo inafanywa, kwa sababu barabara zimeharibika il - hali tunasikia kwa redio wanatangaza pesa nyingi zimepeanwa kwa sababu ya barabara Fulani. So, mambo ya barabara yarudishwe kwa mwananchi wa kawaida. So that, kwa vile mimi ni mwananchi wa hapa Kapsokwony, pesa zikiletwa za kutengeneza barabara Kapsokwony, Kaptam, kama ni milioni kumi, wananchi wa kawaida hao wahusishwe ili waone jinsi hizo pesa zinatumiwa. Because there is a lot of corruption in that. Tuhusishwe pale wananchi wa kawaida. Unataka kunisimamisha?

**Com. Lenaola:** La mwisho?

**Dismas Watima:** La mwisho, mimi ningependa kutetea wanawake kwa sababu mimi ni mwanaharakati. Wanawake wanagandamizwa kwa kiwango cha juu sana. Wamechukuliwa kuwa vyombo vya kutumiwa na wazazi wao na pia waume zao. Wazazi wa wasichana wachukua wasichana kuwa vyombo vya biashara, kupitia kwa mahari. Kwa hivyo hao hawapelekwishi shuleni. I want that thing to be abolished, dowry. So that wasichana wawe na nafasi ya kutochukuliwa kuwa vyombo vya kufanyiwa biashara.

Pili, mke akimpiga mume na iwe reported, asiulize kujitetea kortini. Ikiwa mke ataonyesha majeraha, huyu afungwe na kisha baadaye alazimishwe kuishi na yule bibi.

**Com. Zein:** Asante sana. Yaani unasema mwanamume akipiga mwanamke afungwe mara moja?

**Dismas Watima:** Afungwe mara moja.

**Com. Zein:** Na mwanamke akipiga mwanamume?

**Dismas Watima:** Pia afungwe kwa sababu....

**Com. Zein:** Sawa.

**Com. Mosonik:** Asante sana. Jackson Kipkum? Davis Chepkech? Onyesha kwa ishara kwamba wewe uko.

**David Chepkech:** Asante sana kwa kunialika kwa mpango huu wa kurekebisha Katiba. Mimi naitwa Davis Chepkech. Katika maoni yangu kwa upande wa utangulizi, katika Katiba ya Kenya, wananchi wa Kenya ama Serikali ya Kenya haijampa Mungu

kuiongoza Katiba. We should let our living God direct our visions to the right of ...

Wanapo itengeneza ni ya kwamba wawe waangalifu sana kwa maana kuna mambo mawili ambayo Katiba inatekeleza. Jambo la kwanza, inaweza kuangamiza nchi, au ipate kuokoa nchi. Kwa hivyo ningependa ya kwamba kuna quotation za bibilia hapa ningependa kwa utangulizi ipate kusaidia Katiba ili Katiba ya Kenya ipate kuongozwa na Mungu.

Jambo lingine ni ya kwamba, mwananchi wa Kenya amepewa shida kubwa, amefanywa kulipa taxes kwa sehemu kubwa sana mpaka amechukuliwa kuwa kama mtumwa. Ningeomba ma Commissioner wetu ya kwamba mwanachi apate kupunguziwa hizi taxes, ili awe na mzigo mdogo.

Jambo lingine ni ya kwamba, the government should have directive principles for dealing with corruption and mis-appropriation of finances. Ni kusema ya kwamba, mwananchi wa kawaida amekuwa tu rubber stamp, hajui namna pesa za Kenya zinavyotumika. Wakati wanapo soma budget hiyo ndio mwananchi wa Kenya anapewa kusikiza, hajui namna itakavyotumiwa, na hajui namna Kenya inavyoendelea.

Mwananchi wa Kenya anashtukia tu ya kwamba yeye ni maskini, kuuliza pesa za Kenya zimeenda wapi...

**Com. Mosonik Arap Korir:** Pendekeza, pendekeza!

**Speaker:** Okay, ningeomba ya kwamba, mwananchi wa Kenya apate kuhusishwa kujua namna finances za Kenya zinavyotumika. Jambo lingine, basic rights. Ni ya kwamba mwananchi wa Kenya apate kuwa na freedom ya kuzungumza kama kuna mahali ambapo amefinywa, awe na freedom ya mawazo. Kitu kingine ningependa kugusia tu kwa upande wa... Kuna kitu kilichotajwa hapa kulingana na wa mama. Mimi ningeomba tu ya kwamba un-married old women na widows hawa ndio wapewe nafasi ya ku-inherit, but a married woman, we don't want to cause separation kwa maans Mungu aliunda huo mji lakini watakapohusisha mambo ya mali hiyo nyumba itavunjika.

Ningesema ya kwamba, mambo ya citizenship, citizenship ipate kujulikana kulingana na historia lakini si kwamba mtu ameingia Kenya, siku mbili, tatu, anaitwa mwananchi wa Kenya. Historia yake ipate kujulikana kulingana na vizazi huenda vizazi vinne nyuma, ili ipate kujulikana kwamba yeye ni mwananchi wa Kenya. Hiyo ndio maana tunaona ya kwamba katika maisha ambayo tunaishi, tuna shida kubwa, unyanyasaji unatokea Kenya kwa sababu wengi ambao hawajali watu wa Kenya wanaingia.

Jambo la mwisho, ningesema mambo ya national security. Hapo ndio kuna shida kubwa sana, na mimi ningependekeza polisi wa Kenya ama security, powers zao zipate kuwa reduced kidogo. Kwa maana mtu akipata polisi barabarani, hana raha. Kuna cases zingine ambazo mtu anakuja kushikwa na hakuna warrant ya kumshika huyo mtu, anapelekwa kienyeji. Na mwananchi wa Kenya anapouliza, huenda ana shida, ni ya kwamba lazima apewe pesa ili apate kusaidiwa ki security.

Kwa hivyo ningesema ya kwamba mambo ya traffic, kuna shida ya biashara kwa upande wa magari, kama buses na matatus. Ukipata matatu yako hapa leo ni sehemu moja ya kulipa mshahara watu wa traffic. Unapata vitu kama insurance, vitu kama stickers, public service TLB, hizo zote zinamfanya hata mtu akufe moyo kwa kutonunua gari. Anawacha gari kwa sababu inaleta umaskini. Namna atakavyoitunza ile gari, hataweza. Ninapendekeza hivi vitu ambavyo nimetaja wangepunguza ili biashara kwa upande wa magari ipate nafasi ya kupata mapato.

Jambo lingine la mwisho ni ya koti zetu Kenya. Ningependekeza ya kwamba mambo ya koti zetu za Kenya kuna shida kwa mtu maskini apate kufaulu kesi. Kwa hivyo ninapendekeza ya kwamba mwananchi asiye na kitu maskini apate kuwa protected wakati kesi yake inapoingia kotini. Kwa maana mara nyinyi hawana nafasi ya kuweza kufaulu kesi. Asante. Kwa hivyo nasema ya kwamba kwa hayo machache, Mungu awasaidie.

**Com. Mosonik Arap Korir:** Asante. Mwalimu Fides Karemi Maasai?

**Fides Kareni Maasai:** Okay, thank you very much for giving me this opportunity to present my views. First I would like to

say, we as women we would wish to have..

**Com. Mosonik Arap Korir:** Excuse me just say your name again for the record.

**Karemi Maasai:** My name is Mrs. Karemi Maasai, I am a teacher in Saboti Secondary School. I thank you very much for giving us this opportunity to come and present our views and as a woman, I am saying we would wish for a Constitution that recognizes the individual as supreme. Because when you look at an individual, it is the individual who makes the society and the society make a nation. Now I am going to start by saying that where there is no social equality there is no political nor economic excellence.

Women constitute more than 52% of the Kenyan population. But when you look at the position of women in the country, where do they stand? In education most children are discriminated against, you find a parent can afford to take a boy to higher level but cannot afford to give their girl child even the elementary basic education at primary level.

I propose that if a parent is discriminating against a child then the law should take action against such a parent. On property inheritance, nobody chooses to be born a woman or man, we are just born the way we are. And if you look at women, women are the caretakers. At home women are the mothers, wives, they take care of the family, if we don't empower this woman economically, how will that person take care of the family? So we find that we are impoverishing our society by denying a woman the right even to take care of her family.

Then the other thing is...

**Com. Mosonik Arap Korir:** We want you to say, you want them to inherit the land or property in general or...?

**Karemi Maasai:** What I am proposing is that all children should inherit, because nobody chooses to be born a girl or a boy.

Then the other thing is on crimes that have been committed against women. We feel that a stiffer penalty should be imposed on people who commit crimes against women, like rape of women and defilement of young children. Because if you look at defilement of a child, it is worse.

**Com. Mosonik Arap Korir:** Excuse me please can you say for rape, what kind of punishment?

**Karemi Maasai:** The Constitution should come up with a law, where we have a minimum sentence. Currently, I understand that the maximum sentence that a rapist can get is fourteen years. (interjection) Okay, fine thank you. I feel there should be a minimum sentence instead of just a maximum, because most of the rapists are taken to court and they walk out scot-free.

**Com. Mosonik Arap Korir:** Okay, and defilement?

**Karemi Maasai:** The other thing is on civic education

**Com. Mosonik Arap Korir:** Defilement? You said defilement.

**Karemi Maasai:** Okay, I said defilement, I feel such a thing we should not even negotiate, such a person must get the capital punishment, that is worse than a murderer, you have killed the child.

**Com. Mosonik Arap Korir:** Next point.

**Karemi Maasai:** The next point is civic education should be a continuous process so that people can be enlightened on their rights. Most of us do the things that we do because we are ignorant and we do not know our rights. So it should be a continuous process instead of just coming once in a life time like the one that we have been having.

Then I would like the Constitution to be very clear on which law to apply, instead of mixing law like mixing of the statutory law and the customary law and when you look at most of our customary laws, they are not very friendly to women. For example, if you have a problem at home and you take it to court and referred back at home, the judges are men and as they say in Kiswahili, “fisi akiwa hakim mmbuzi hana haki.” So we would wish, if it is a crime that has been committed then let the law stand firm and let us use the statutory law instead of referring somebody back to the customary law.

I also feel that the current laws on immigration discriminate against women. For example if a foreigner is married to a Kenyan woman, that is a foreign man is married to a Kenyan woman, there is a problem of giving that man citizenship. But if a Kenyan man gets married to a foreigner, it is automatic. So we are not half citizens, we are saying that we are full citizens like men.

What I am proposing is that citizenship should be given to any spouse of any Kenyan citizen irrespective of gender. Then I am going to end by saying for a woman applying for a passport, I understand you are required to supply the approval of a husband or a father, and a man is not required to do the same. Then that is not fair, I feel if it should be applied with the approval of a father and a husband then men should also supply with the approval of their wives and their fathers and their mothers.

The last one, I am going to end by saying there are some marriage laws, like the law does not recognize cohabitation as marriage. But in case of the death of a man is married to one woman, and this man has been living with another woman when this man dies and it comes to sharing the properties, this woman comes with children and says that she is a wife to this man and she is given the property, and I think she has not been contributing equally like the woman who has been at home. So I feel the law there is not fair, I was proposing we should have laws, if a person feels like getting married even to twenty women, he should marry one woman at a time and divorce so that we can follow that so and so was with this person at this particular time, instead of mixing people up.

**Com. Mosonik Arap Korir:** Okay, another one? You have finished?

**Karemi Maasai:** Then there is the other issue of employment, I feel that the government is using a lot of money .....

**Com. Mosonik Arap Korir:** Anyway, it wasn't clear to us. You said no to cohabitation? It shouldn't be...

**Karemi Maasai:** Yes, it should not be there as the wife must be clearly known so that we wouldn't have other wives coming up when the person is dead.

**Com. Mosonik Arap Korir:** And one wife at a time?

**Karemi Maasai:** Yes. No, no. I am not for polygamy, I am for if you want to get married twenty times, get married nineteen times and get divorced. Yes, I am against the two. Instead of the government using a lot of money campaigning against AIDS, I was of the feeling that this government would use the same money to employ people, because these people are not employed. Here you are to meet basic needs, that is food, clothing and shelter. When this needs have not been provided for, then we cannot talk of immorality, first we must provide and ensure that people can get food, shelter, clothing then we can talk of matters of immorality, instead of using so much resources talking about AIDS.

Then I wanted to talk about people who are working, sometimes you find that a man is working in North Eastern, the wife is working in Namanga, if you have to curb the current disease, what are we going to do about it? I was thinking the government can put this people together so that we don't have people being promiscuous, people should be put together with their partners.

On the care of the old people, our resources have always been given to the boys or sons, but when you look at our community, the same sons are not taking care of the old people, so I was feeling the government should come up with a law that forces these people to take care of their aged parents because they have benefited from them, instead of just neglecting their parents, die poor and they are the people who contributed to making you get where you are.

**Com. Mosonik Arap Korir:** Asante.

**Karemi Maasai:** Okay thank you very much.

**Com. Mosonik Arap Korir:** Just hold it please, hold on kidogo, there is a question for you.

**Com. Lenaola:** Mwalimu I have a question regarding polygamy and cohabitation. Some religions like Islam allow a man to marry upto four wives legally. Are you saying therefore that we should restrict even muslims to one wife despite their religion?.

**Karemi Maasai:** No, that is not what I am saying. What I am saying is that, if you are to get married now that is their religion that accepts them to do that, I cannot limit them-but this wife must be known. But when you keep a wife in Nairobi, another one in Kitale and when you die they start showing up, then that is not fair.

**Com. Mosonik Arap Korir:** Asante sana. Pastor Peter Morongo? Pastor, make it very brief please.

**Pastor Morongo:** Mimi ni mchungaji Peter Koimoi Arap Morongo, nina machache tu nimeandika na mengi yamesemwa. Na yale yamesemwa mengi sitayarudia isipokuwa mengine ambayo hayajatajwa bado ni kama haya; kupunguza umaskini katika nchi yetu ya Kenya, nilikuwa na maoni ya kusema kwamba sisi wengine ambao tunafanya kazi, ingebidi, ili kuangamiza umaskini

Kenya, serikali ihakikishe ya kwamba wananchi wake wote wanalipwa mshahara. Wale wanaofanya kazi tayari wana mshahara wao, na wale hawana kazi, wapewe mshahara pia, na wapewe kadiri ya shilingi elfu mbili, ili wasiwe wahalifu.

Ninaunga mkono madam ambaye ametoka hapa ya kwamba, kuna pesa zingine ambazo wanapewa watu ambao wanafanya campaign ya kumaliza ukimwi. Ukimwi upo ndio, lakini sehemu zingine Mungu ameandika katika bibilia ya kwamba, kuna magonjwa ambayo yatatokea ambayo hayana tiba, na haya ndio yako sasa. Lakini mambo ya kutoa mamilioni ya pesa, badala ya kumalizia hapo wananyanyasia kuku hotelini. Hiyo wagawe kwa wale wasio na kitu, na wapewe hiyo mishahara pia. Kwa maana pesa hizo zinanyanyaswa na watu wawili watatu, na hiyo pesa haionekane hata kwa wale wanaoenda kutembelewa kwamba wanaangamiza ukimwi, ukimwi hautaangamizwa tu bila watu kubadilisha maisha yao.

Naunga mkono madam a aliyesema kuhusu haya mambo ua wanaume mjini kuwa na wake wengi. Hawa wanaume na wanawake wasipokuwa waaminifu, wao wenyewe, ukimwi hautakwisha. Na hizi pesa ambazo zinamalizwa tuna watu wawili watatu, ma- milioni, wapewe masikini pia.

Na kumalizia sehemu nyingine, mambo kama rasilimali ya misitu katika sehemu yetu ya mesemwa, rasilimali yetu ya misitu inapotezwa tu kwa sababu watu wachache tu ndio wanaangamiza. Kwa muda mrefu saa, miti zetu za hapa, kama mti unaitwa Elgon Teck, zimeliwa na wahindi kwa muda mrefu na hatukupewa chochote. Yaani factory kama hii ya Rai Ply ije mlima ili iweze kusaidia vijana wetu, iandike watu. Ilipelekwa mbali na tukanyanyaswa na watu wachache. Juzi tu council na viongozi wetu wachache waliokuwa makini wakaisimamisha, ndiposa wakati huu sehemu hiyo haiendelei.

Lakini ya kwamba, walikwisha kula na hakuna faida ambayo sisi wa Mlima Elgon tulipata.

Number mbili, ninasema ya kwamba ma- chiefs, wapigiwe kura kila baada ya miaka mitano. Tumeonelea kwamba hata wakirsto hawaja chukuliwa kuwa wa maana. Muislamu ameongea hapa, na ni maneno ya maana.

Hapa, ninasema ya kwamba katika mikutano ya DDC, kuwe na mwakilishi ambaye aliokoka, ili kumaliza mambo mengine ya

ufisadi. Kama vile Bishop ama, mchungaji na wengineo. Ili kumaliza mambo mengine ya ufisadi, aweko Mkristo.

Rais ateuwe mbunge maalum ambaye pia ni kiongozi wa kidini, ambaye ni askofu kule, kwa maana sehemu nyingi kabisa wa wakristo hawaonekani hata kule bungeni. Wamesema hapa katika mambo mengine, wa kristo hawachukuliwi kuwa ni watu ambao wana maana, lakini sehemu hii ikitokea neno fulani katika serikali, utasikia wanatangaza makanisa yachukue jukumu. Sasa makanisa watachukuaje jukumu...

**Com. Mosonik Arap Korir:** Umesema kuwe na mbunge?....

**Pastor Morongo:** Ambaye ameteuliwa na ameokoka.

**Com. Mosonik Arap Korir:** Basi, asante.

**Pastor Morongo:** Yes ili kusiwe na sehemu ya kusemwa makanisa yachukuwe jukumu haraka wasaidie, watasaidiaje na hawako huko? Katiba ihakikishe haki ya kila Mkenya kumiliki ardhi, kwa maana kuna mahali nilisoma kwa hii questionnaire yetu, inaongea juu ya kumili ki ardhi na hapo sitasema.

Wakenya wasiwe na haki ya kumiliki ardhi pahali popote, bali kila mtu amiliki kwao kulingana na maandiko matakatifu. Kulingana na maandiko matakatifu, kila mtu atamiliki shamba kwao, shamba, ya kwao. Ikiwa unatoka ujaluoni au Coast, umiliki kwenu. Kwa sababu itafika wakati maandiko yanasema, kila mmoja atarudi kwao na sasa hata nikipea waria hapa alime, hawezi kulima atataka kukula kitu rahisi rahisi, sasa .....

**Com. Mosonik Arap Korir:** Excuse me, umesema bibilia imesema kifungo kipi? Where does it say in the bible?

**Pastor Morongo:** Sikuwa nimeangalia kifungo lakini imeandikwa hivyo, kwamba kila mmoja atarudi kwao. .

**Com. Zein:** Katika Kumbukumbu za tarati sawa.

**Pastor Morongo:** Eh. Okay, na number hiyo nyingine inasema, katika umilikaji wa ardhi, atakaye kuwa na shamba kubwa kama ndungu yangu mmoja alizungumza hapa akasema hamsini, mimi kumbe niliweka mingi mia. Yaani kila mmoja awe na kiasi cha sehemu ya kuji tosheleza ili mwingine naye awe na sehemu kidogo, kwa maana umaskini umezidi.

**Com. Mosonik Arap Korir:** Umesema hekari mia moja, sema kitu kingine.

**Pastor Morongo:** Ili kumaliza ufisadi kwenye mahakama yetu ya Kenya, maaskofu pia wateuliwe kuwa mahakimu kwa maana kuna sehemu nyingi ambazo, hata kama utaenda kubeba bibilia kotini, utaona ya kwamba hizi pesa, mama amesema pesa zimeangamiza uchumi huu wa Kenya. Mtu akiuwa mtu, akifika pale anaachiliwa kwa sababu ya pesa, na mtu wako ameuawa. Kwa hivyo, maaskofu pia wateuliwe mahakamani.

**Com. Mosonik Arap Korir:** Umemaliza?

**Pastor Morongo:** Mayors na wenye viti wa mabaraza wachaguliwe moja kwa moja na wananchi. Vipindi vya miaka miwili kwa mayor na wenye viti vya baraza zinatoshwa kwa maana itafika wakati ameharibu lazima tukague maslahi yake na atoke kwenda nyumbani na mwingine akae.

Kuwe na elimu ya kiwango cha four four au zaidi kwa wenye baraza. Kuwe na vipindi viwili maalum vya miaka mitano cha Rais kuongoza, akifanya vizuri tutamuongezea ingine mitano. Katiba itoe kibali ili Rais aweze kuondolewa mamlakani kwa kitendo kisicho halali. Rais awe mbunge, lazima ajulikane area yake ndiposa aende akafanye mambo yote ambayo yako mbele yake mpaka ateuiliwe na wananchi.

**Com. Mosonik Arap Korir:** The rest we shall read? Okay. Tafadhali upeane hiyo memorandum. Ngoja swali moja.

**Com. Zein:** Askofu, wewe ni Pastor, unasema maaskofu wawe wanateuliwa kuwa mahakimu. Wakishateuliwa, watakuwa wanatekeleza sheria ya Mungu au sheria ya binadamu?

**Pastor Morongo:** Ya, atakuwa pale kwa maana sasa wakati huu, kuna wengi ambao wamejiita kuwa wameokoka kule maaskofu, lakini hao wamevalia tu. Lakini kukiweko mtu ambaye anauhakika wa kufanya kazi pale ya kusaidia, maana serikali bila Mungu haiwezi kufanya, lakini akiweko pale askofu ambaye ameokoka kamili basi mambo mengine ya ufisadi wa pesa utakoma.

**Com. Mosonik Arap Korir:** Asante sana, kila mtu sasa nitamwita, nataka aseme one point only. A point which has not been

mentioned by anybody else, okay. Jambo ambalo halijatajwa tu peke yake. Joseph Otenge Ngomar? One point only please because bado tuna watu wengi kabisa.

**Joseph N. Otenge:** Bwana Commissioner asante kwa kunipatia nafasi hii. Majina naitwa Joseph Otenge Ngomat. Mengi yametajwa na sitaki nirudie. Kwa upande wa uchaguzi ningesema hivi, hii mambo ya defection, Tumesikia tangu multi-party ziingie, defection zimekuwa mengi na ime-cost Electoral Commission pesa nyingi. Ninapendekeza hivi, wakati wa nominations, aspiring candidates, tuseme kwa mfano Kanu, Ford people, yaani all parties, wafanye uchaguzi siku moja, ili mtu, tuseme umeshinda kwa Kanu, hauwezi kukimbilia party nyingine. Ifanywe yote wakati mmoja.

Vile vile, mjumbe ama Councillor yule anataka kusimama anapaswa kukaa kwa party yake kwa miaka kumi, asiwe mtu wa kuyumba yumba leo hapa, kesho pale, awe mwaminifu kwa party yake kwa miaka kumi.

Ingine ni an elected MP or Councillor facing petition should not step in Parliament or county council or Municipal hall until his/her case is determined by a special court of law hearing petition cases. Hii ni kumaanisha kwamba kama kuna ulalamishi na mtu amekuwa declared winner hapaswi kuenda Bunge ama county council hall ili atekeleze kazi yake. Mtu kama huyo hatakaa kwa Bunge ama council, atahitajika akae akiongoja uamuzi wa court. Uamuzi hu inapendekeza usikae miezi mitatu. Hiyo kesi yake isikizwe miezi mitatu baada ya uchaguzi ili akiruhusiwa ndio apate kutekeleza kazi yake kwenye Bunge.

**Com. Mosonik Arap Korir:** Mwisho?

**Joseph N. Otenge:** Ya mwisho ingawaje ni kidogo.....

**Com. Mosonik Arap Korir:** Ujue kwamba ukiwa na memorandum tutaisoma.

**Joseph N. Otenge:** Singetaka kusahau hii mambo ya clashes. Hapa Sabaot tuliitwa ni watu wabaya sana shauri ya clashes, ninaonelea hivi according to my observations, they were no tribal clashes, in Central, Eastern and North Eastern Province because those areas are a hundred percentage occupied by indigenous people. Hiyo ndio kumaanisha kwamba, hii clashes ilikuja kwa sababu kuna wageni waliingia mashamba ya jamii zingine ndiposa hii mambo ya clashes ikakuja.

Kwa hivyo ninapendekeza hivi, nafikiri Kenya nzima ninaweza kutoa mfano kabila kama wajaluo, ni wengi sana lakini I don't think they have tracts of lands in this country. Ni wachache sana wametoka Luo Nyanza kuenda nchi za watu wengine. Kwa hivyo ninapendekeza kila mtu awe na nchi yake, arudi mahali alizaliwa. Asante sana.

**Com. Mosonik Arap Korir:** Wajaluo wana only a house, not a home? So, kila mtu awe na hiyo culture? Okay, asante sana.

Gregory Ngeiywa?

**Gregory Ngeiywa:** My name is Gregory Ngeiywa. The Chairman Commissioner, because you have said only one minute, that section which says every Kenyan is free to move anywhere in Kenya is correct, every Kenyan is free to do business anywhere in Kenya, that is correct. And every Kenyan is free to settle anywhere. That is where I say we should repeal that particular point. Not any Kenyan to live anywhere, because since independence it has not been possible to live in some places, only maybe one province or two where you can live in. So Kenyans should, as we are going for regionalism live in their own areas. If we have to live in peace.

As you have heard Commissioners ..

**Com. Mosonik Arap Korir:** How does that statement read? The other one said every Kenyan is free to live everywhere.

So yours says what?

**Gregory Ngeiywa:** The first two were alright, moving anywhere, doing business anywhere, settlement, that one should read, you live in your indigenous regions or district.

**Com. Mosonik Arap Korir:** Okay.

**Gregory Ngeiywa:** The other one is of course you have heard about the Sabaots it is actually a question of numbers, we are minority and few. And we have a right to exist. We would like to be in one region. The whites split us after being told the Mt. Elgon is a Mountain of our people, surrounded our people but it was split into two internationally, into Kenya and Uganda,

we have no question about that one. But now in Kenya, it was again split into two different provinces. The Sabaots have been divided and ruled. But we are saying we should be in one particular district surrounding the Mountain and in one region in North Rift if possible.

You have seen people here shed tears, we can shed tears, even me I can shed tears because of the injustices which were done to us in the past. But what we are saying, we are very peaceful, we like peace. We ceded most of our land because the original Bungoma district was our land, but we are so good, we have left most of the land, we are only asking for 1/8 of the land and then peace shall be there.

We don't want to fight with anybody, we don't want to die and I am repeating again we don't to be hopeless, or even clashed what for? When things can be corrected in such a way. So I am only asking for, let us have proper settlement house for everybody and let the Sabaot move into one direction, that is .....

As I am talking they have a Mt. Elgon National Park, it is not in Mt. Elgon District, it is outside Mt. Elgon district. We would like to have Mt. Elgon National Park in Mt. Elgon district, we should be one, not to be divided and ruled. So the resources from there should in future benefit our children.

Commissioners, I was only given one minute I don't want to add more but on that issue of compensation, please compensate us not only in the lands of Trans-Nzoia as many have said compensate us anywhere. If there are ADC farms in Nakuru, Mombasa, Nyeri, give us these ones like the other ones were given in our place. After we finish Trans-Nzoia and any KARI farms, and any large farms elsewhere, give us for the sake of ili Mungu asikie au aone vizuri. Kwa sababu hii ni kufa na kupona.

As I am speaking now I am from West Pokot district, my home I don't come from here, but it is a fact. So Commissioners, take it seriously, we don't want war with anybody, we just want to beg you to write the things property, write the way other places like New Zealand, Australia, Canada, South Africa have written we want things to be put back properly. Otherwise we are the worst hit, maybe second to the Maasais of Narok and Kajiado. We are the worst hit, na ni ukweli wa mambo, sio mambo ya uongo, yameandikwa na yako hivyo.

I will finish by saying please do a good job, otherwise things can go wrong. Give us proper boundaries so that we live with our neighbours comfortably, nicely with no conflicts. Thank you very much.

**Com. Mosonik Arap Korir:** You said Mt. Elgon National Park is in which district now?

**Gregory Ngeiywa:** Mt. Elgon National Park is in Trans-Nzoia district which is our district. We would like to be in one unit.

**Com. Mosonik Arap Korir:** Asante. Benjamin N. Maasai? Kiptalam Ibrahim? Harrison Chemosit? Julius K. Tekwen? Felix Ndiwa?

**Felix Ndiwa:** Bwana Commissioner Sir, mimi ninaitwa Felix Ndiwa Mushendich kutoka Kapchebon. Na ninapendekeza mambo matatu na nitajaribu kufupisha. Hii inahusiana na ule uchaguzi wa urais. Kwa mapendekezo yangu ningeweza kuona kwamba uchaguzi wa Rais, wabunge, na ma diwani uweze kutengwa.

Hivi ni kusema ya kwamba uchaguzi wa Rais uweze kutangulia ili wananchi wakati wa campaign watu waweze kujua wanapigia nani kura halafu kisha baadaye uchaguzi wa Bunge uweze kufuatilia. Kusema hivyo ni kwamba unajua wakati wa uchaguzi wa urais Tumeweza kupata kama Rais wa kwanza ambaye ameweza kufaulu hata vile vyama vingine vidogo vitaweza kumalizika.

Katika nafasi ya pili au namba two, to curb all fraud, this is what I recommend ballot votes should be counted at the polling center. In that after the completion of the exercise, the data will be taken to the constituency level for analysis and final results.

We have had many cases which mostly apply during campaign period and this is why I want to make one recommendation that a violence monitoring unit be instituted so that this unit may check the violence of the parliamentary or civic aspirants. And violence monitoring unit have to be precisely formed during election period. This unit should be given more powers to

recommend a disqualification of a candidate engaged in election violence. Election aspirants should sign a declaration form binding themselves to uphold the democratic tenets and denounce violence of whatever form including controlling supporters during campaign period. Hayo ni mwisho.

**Com. Mosonik Arap Korir:** Asante sana. Amos K. Ndiwa? Yeye anajisikia vibaya ndio Tumemuruhusu apeeane maoni yake kwanza.

**Amos K. Ndiwa:** Mimi kwa majina naitwa, Amos K. Ndiwa a retired teacher from Mosop community or what is popularly known as Ndorobo community. I will go through this memorandum very quickly. I don't have much time to waste. My first point was about the newly created district. I wanted all the newly created districts to be entrenched in the new Constitution. And the boundaries of Mt. Elgon district be based on the recommendations and submissions that were made by the Council of Elders for Mt. Elgon to Mwangovia Commission.

Mt. Elgon district to be administered from Rift Valley as it has been said before. I have some recommendations on trust land. We have one called Cheptalel trust land. We wanted the trust lands to be vested in their respective communities instead of county councils which have become very corrupt and can no longer be trusted to act on behalf of the people.

And then Provincial Administration be scrapped because it never took care of the values of the community at all, it was dictatorial and the people lost a lot of cattle because of reduced grazing area and I feel along this, the government should compensate these communities for loss of cattle and human life that was lost because of abrupt change of life that was brought about by that kind of settlement.

Then on the type of governance, I am recommending devolution of powers to the Districts and locational levels and that we should have a District government which should be elected every two years and the location government should also be elected every two years and this should replace the provincial administration. The provincial administration should be scrapped forth with because it is corrupt and outdated and colonial.

The post of District governor I am proposing that should be rotational among the tribes or communities that live in that District every two years, same to the post of locational governor should be rotational between clans there, clans living in that location and should be rotating among the clans.

For Presidency I think much has been said I was only proposing that the President should be above 45 or he must be a university graduate must not be suffering from any terminal disease like cancer or HIV, that's all

**Com. Mosonik:** Asante, okey we can read the rest.

**Amos .K. Ndiwa:** Then I have a small issue on retired teacher because I am one of them. I was suggesting that every retired civil servant or teachers should be entitled to atleast half of his former salary even if he retired early or at mandatory age, he should be entitled to that. I was also proposing that the retired teachers be given pay slips so that he can use the same to acquire items on hire purchase or loans

Then I was also suggesting that there are those who retired early, if there will be need for them to re-employed after they went on early retirement because of sickness and they have been treated and proved to be not to suffer from the disease, then they should be re-employed.

Then something on insurance companies, I feel it is the duty of the government to compensate victims in case where a businessman has insured his business, say in the case of matatu, you have insured your business and then all of a sudden that insurance companies is put under receivership. So the government in that case should compensate the victim not the insured because the insured has insured his business and I feel that the property of the insured should actually be protected.

On university education, I feel loans should be given to all university students whether they are in private, public or parallel programmes, they should be entitled to loans to make sure that they complete their education.

And lastly, I am proposing that the Constitution should provide for a tarmacked road in every District . I think the rest have been said, I don't need to repeat again.

**Com. Mosonik:** Asante Moses Juma

**Hilary Cheptoti:** I am Hilary Ibone Cheptoti and I would like straight away to read my recommendations on land. Many things have been said about land as regards to minority and marginalized people. In this regard therefore, I recommend that every individual should own land in his own indigenous place and also the ownership should be limited to not more than 50 acres.

Another area which I would like Bwana Chairman to look at in detail is the education for these people who have special needs.

Right now in the District we have more than three hundred persons who need special education due to various handicaps. I hereby recommend that the Constitution should enshrine that we have what we call inclusive education in our education system so that this idea of segregating handicapped person in institution does not arise because it is quite stigmatizing especially among the Sabaot community.

Also to boost the education for the handicapped persons we would like the ministry to accord them the bursaries especially as they join secondary schools. At least if in a home there are three handicapped children, the government through the Minister of education should cater for the education of these children.

And also, when we go to employment these people have special skills which can assist them be employed. If I go to the employment of military personnel some of the blind, some of the deaf should also be accorded an opportunity to be employed in those areas. There are areas which they can work.

Another area is, at the advent of independence some of our grandfathers left, right now they are in Uganda and the other year one of my grandfathers came and asked me if he is entitled to stay in Kenya and even be eligible to vote. We would like the Constitution to guarantee dual citizenship so that the scattered Sabaot can be catered for.

Looking at the Constitution Review we would like the Constitution to be written in such a way that even the ordinary mwananchi can understand especially the pertinent issues on land. It should be written in Kiswahili or even in our mother tongue.

The other area which I want to look at it is most of these marginalized are lacking to get NGOs we would like this aspects to be shined in the Constitution that any NGO working in some of these marginalized areas, three quotas of the employees should be the indigeneous from that place. We don't want to create a problem like that one in Turkana where the security of people from other places is being threaten.

We also want the devolution power. In the current Constitution, the President has immense powers. We would like the the Constitution that is going to be made to reduce these powers such that the President should not appoint his colleagues who have let us down. For example if I am an MP of this area, I hold no other positions and then next time when I am thrown outside by wananchi, I am appointed to be the director of National Cereals Board. We would like him instead to appoint people with special skills those people who know what to do in special areas and we have what we call Executive officers to run government Parastatals so that we can prosper as you know in Kenya most of the government Parastatals, have failed to perform because of such poor appointments.

We also like in this regard to say that this idea of giving ultimatum to civil servants to retire to be reconsidered. That let the Constitution guarantee job security. That is if I am eligible to stand for Presidential, of Parliamentary or Civic elections let this be given unpaid leave of six months I come and campaign if I don't make it I go back to my job. If we do this we shall end up electing able leaders in most of our areas of leadership especially now that we would like the administration to be centralized in the District. Otherwise we shall end up electing what we call mediocre leaders who cannot take us anywhere.

To finishi up Bwana Commissioner I would like to touch a bit on security. Most of my colleagues have talked about security, we would like to have what we call Community security. The security we have now actually is not assisting us, we want to get our own boys so that they can be able to assist. Like in our place here, we are on the border place when our animals are stolen the security we have cannot assist us so much. But if we can have the community police where our own boys can be employed we can be able to track down the enemies and we retrieve our animals or property.

To wind up bwana Commissioner we would like the Constitutional review Commission to be independent so that when we take our views you compile them and as the report comes out, you will be able to take care of all the views that have been

presented. With those few remarks, thank you.

**Com. Mosonik:** Sasa tumelazimika kuomua tumalize kwa sababu ya saa. ninasema nikita mtu aseme jambo moja ambalo halijatajwa. Asante tafadhali upeane memorandum Haramisi Wandeke yuko. Jambo moja halafu mwingine afuate.

**Haramis Wandeke:** Mr Chairman and Commissioners who are here today, my views I think they are different but I don't know if they will be accommodated somewhere. In the course of writing the Constitution of our country Mr. Chairman the People's sense of collectiveness objective and aspirations must be put into consideration and preamble must thus read and appear like this. " We the people of Kenya hereby decide and solemnly declare that so as to impress and portray upon dozens of owner or citizens that the Constitution is really theirs and it is always people driven process. But not otherwise where the Parliament which is always dogged by lack of quorum leaving our precious document at the whims of some few mischievous elements who may tamper with it without any or the Commission as such is given the authority to write one as many may construe in the near future.

And in the Constitution, the following provisions must be included to form the national document;

The institution of the monarchy with the Kenyatta family being transformed to the royal status that is the king or queen to be coronated sooner or later possibly from any of the following members of the family Mama Ngina Kenyatta....

**Com. Mosonik:** Hata sijui umesema nini kwa ajili sheria ya kurekebisha Katiba inasema integrity of the republic of Kenya must be respected. Integrity means what? Can you explain to him so we don't talk about kings and queens.

**Com. Zein:** Sheria vile inasema tutatakiwa kuanzisha mifomo ya kidemokrasia na mifumo ambayo itaheshimu haki za raia wote wa Kenya. Nafikiri sheria haituruhusu sisi kukubali maoni ya kwamba tuweke mfalme au malkia. Sheria ni hiyo. Chairman with your permission, ndugu yangu fanya hivi chukuwa maandishi sign pale chini, utoe. Tutayasoma kila maandishi.

**Haramis Wandeke:** Now let me rush to (interjection) there is another different issue, that is time. Time must be classified as a resource which every minute of it must be accounted for in endeavours we pursue in our daily life especially if it was for the

benefit of this country. Otherwise time wasting must be regarded as an offence and must be penalized by way of fines and which must go along way into the establishment of the necessary institutions.

**Com. Mosonik:** Let me make you understand ya kwamba we did not stop but we wanted to tell that this is the republic of Kenya, so we don't talk about Monarchy.

**Hamis Wandeke:** I wanted us to borrow a leaf from the British system

**Com. Mosonik:** You know Brittain is not a republic, it is a monarchy.

Kuna queen au wakati huu kuna Malkia Tumelewana

**Com. Zein:** Sisi ni Jamhuri na maana ya Jamhuri ni tunachagua

**Com. Mosonik:** Na sisi tunaita Jamuhuri ya Kenya.

**Haramis Wandeke:** The salaries of the elected leaders must be negotiable between the electorate and aspiring candidates during campaign and election time that is each candidate will be compelled by the Electoral Commissions of Kenya regulations to quote on the declaration forms which he or she must display publicly on the posters and manifestos to the voters how much money make ---- he or she thinks must be paid when he or she goes to represent the people and it is upon the people to decide on who to elect and why they have settled on a particular candidate money being a major factor

**Com. Mosonik:** So we have agreed, tulikubaliana ya kwamba kila mtu ataje jambo moja the hottest issue you have in your memorandum lakini now you are adding what is the hottest point?.

**Haramis Wandeke:** When all the university entrants who qualified to join any university be it public or private must attach a list of names not less than 20 people from his local community to the admission forms so as to form what could be called attachment class for the purpose of his practicals during the course of his study at the university. And a certain percentage of

which must be not less than 30 % constitute the final grade from his practical class. This will benefit the community by way of imparting knowledge and skills from the student during his or her semester holiday at home and --- direct thus have him to development from our universities and colleges, giving our degrees and diplomas value and meaning they deserve.

**Com. Mosonik:** John Cherok? Julius Kisasi?

**Julius Kisasi:** Asante Bwana Commissioners na kikundi chako. Mimi hapa nataka nisema machache mimi ni Kisasi Julius Bera.

I would like to say that an accused person should be judged in vernacular language

Land title deeds must bear the names of husband, woman, children ;all kept by computer machines.

All business foreigners lets say the non Kenyans should be taxed differently from the native persons.

Land produce: Natives sell the produce to the foreigner.

**Com. Mosonik:** Wewe, we said one item per person.

**Julius Kisasi:** Okay, in business, because I am a business man we should have single permits

Medical bills on incurable diseases be reduced doctors should not detain patients for so long

Kenya currency should not bear a President's portrait.

**Com. Mosonik:** You know it will help kama ungesema it should bear, talk positively not negatively.

**Julius Kisasi:** Pesa zisiwe na kichwa cha President ziwe na kitu kingine tofauti shauri President atakuwa anakuja baada ya five years kitu kama mnyama.

Ya mwisho jua kali people should be given loans at low interest rates.

Kiosks should be continue only in rural areas depending on the stock of operation

Supermarkets and wholesales should operate only in big towns, district headquotas , asante

**Com. Zein:** Sasa mimi napenda kusaidia Chairman kidogo, najua ame-chair kutoka asubuhi na ataendele. Ndugu urudi pale ujiandikishe. Kwa kuonyesha kwa mkono, unaweza kuonyesha kwa mkono, watu wangapi ambao walifika hapa kuja kutoa

maoni yao na hawajafikiwa mpaka sasa? Wale wanataka kusema au kuzungumza waje hapa mbele. Mzee ukuje hapa utaje jina na useme jambo ambalo halijatajwa na mtu mwingine.

**Ibrahim Maasai:** Jina langu ninaitwa Ibrahim Maasai. Nakaa Elgon District, location ya Kisiro. Maoni yangu ni maneno ya accident. Kama mtu anapata accident halafu serikali anapata report inakwenda kuleta mtu huyu kupeleka police au mortuary na huyu mtu kama hakuna mtu wake ambaye ana pesa za kurudisha huyu mtu, mtu anakufa huko. Mimi nafikiri serikali inafaa irekebisha hiyo maneno. Yule mtu anapeleka na serikali waturidisha wenyewe. Hi ni kwanza.

Ya pili, maneno ya kutahiri watoto. Unajua sheria ya watoto sasa serikali inaingilia kwa sababu ya ugonjwa wa ukwimi. Na sisi kalenjini walikuwa tunahiri watu kutoka zamani kutoka Misiri mpaka leo wanatahiri. Na sasa sisi tunataka serikali irekebisha hiyo maneno ya health department kwa sababu nataka watoto wote wanakuwa wasinde, sisi hatutaki namna hiyo tunataka mtoto yule anaogopa kisu aachwe na yule anakubali kutahiri anatahirishwa

**Com. Zein:** (inaudible)

**Ibrahim Maasai;** Ya mwisho nataka kila Province ipate institutions za kufundisha watoto kuwa waalimu, teacher education. Sasa imebaki mbili,---- asante

Maurice Maitwai Kinyanja: Okey, mimi naitwa Maurice Maitwai Kinyanja maoni yangu ni hii; ningependa serikali iweze ipate ku-register vile vikundi vinaitwa CBO in every location kwa sababu ni vikundi ambavyo ni vya community halafu wanakati ambapo wafanya budget, wanafanya ambavyo inafika kwa kila location kupitia kwa vile vikundi.

Ya pili ni kwamba ningependa pia hii Constitution mpya itueleze ni tarehe gani kura inafanyika

Ya tatu na ya mwisho ni kwamba, mambo ya DCC, tungependa DDC Chairman asiwe DC Community wapate kuchagua wao ambao wanapenda ili maendeleo yafanyike katika kila wilaya. Asante.

**Com. Zein:** (inaudible)

**Isaac Chengeti:** Mr. Chairman, my issues on the Constitution. My names are Isaac Chengeti. I want to recommend to the this Review Commission that they give special priority to the Districts which are disadvantaged because of marginalization especially in education system. For example, training institutions. Like in this District it has secondary schools okay but it has no single training institution .

Secondly, smooth transition in educational system. A study or a look at the 8-4-4 system will always show that there are gaps in lower primary which lead to poor performance especially in this District. What I am saying here is, in lower primary the Constitution does not give proper guideline, on development of young children. I want to recommend therefore that the Constitution makes special provisions to employ teachers who manage young children in ECD centers the government to employ them so that there is smooth transition on.

Finally Mr. Chairman, I want to concur with definition of boundaries for districts and Federal governments. Worship according to one's religion the Sabbath is the issue

**Com. Zein: ((inaudible))**

**Isaac Chengeti:** Nasema hii Commission ikiandika habari hii ifikia wananchi wote availability of this information.

**Julius Kariti:** Jina naitwa Julius Kariti. Napendekeza kuwa wakati wa uchaguzi mtu akitaka kugombea nafasi ya councilor , Mbunge ama President, atoe record yake yaani a clarify, akuwe screened awe na record mzuri, a produce record ya kabila. Asiwe mtu ambaye ameiba, a produce document za ku-clear.

Pili napendekeza katika uchaguzi kwamba tenure ya President iwe ten years

La mwisho ni ownership ya land; Each individual should own land, a must.

**Kipkorir Kigai:** My names bwana Commissioners ,I am Kipkorir Kigai: Nilikuwa nimesema my names are Kipkorir Kigai

and my issue is on property. and one issue to propose with some two recommendations.

It is an na how to eradicate poverty. In this nation Parliament should not be a supreme body that makes law particularly when it comes to their salaries. You see that these people sit down and declare how much they want to earn for themselves Public Service Commission.

Another recommendation is that to eradicate property, the country must have a way and I recommend that the Central Bureau of statistics must have a way of evaluating the work that every single Kenyan is doing so that we may know the income that each person is earning because there are too many lazy Kenyans and that is why we are poor. Thank you very much.

**George Tekei Kimayi:** Bwana Commissioners, majina yangu ni George Tekei Kimayi, I represent Kapsokwony Disabled Association . Kwa upande wa walemavu, tungependa tuwe na independent department baadala ya social services. Hiyo department vitue rehabilitation department na mkubwa wake aitwe the rehabilitation officer ambaye atakuwa ana-take care ya shughuli za walemavu wote. Vile vile, national fund for the disabled of Kenya iwe base kwa District level isiwe kwa National level ili isaidie walemavu wote kwa jumla. Vile vile mambo ya representation for disabled by normal people should not exist because we have found several – things getting lost.

Vile vile tunahitaji kwamba tuwe na masomo free kuanzia class one hadi university kwa walemavu .

Na vile vile upande wa training be it artisan or advanced courses disabled should also be given free education in that section.

Vile vile kwa upande mwingine private sector ambay o wame-employ walemavu wawe tax free. Walemavu ambao wanafanya kwa private sector zaidi ya miaka miwili na nusu wawe confirmed permanent na pia we-enjoy mambo ya National Social Security fund.

Mwisho kwa upande wa professions tungependa wale watu wamepewe jukumu la kufanya kwa jamii tuwe na kamati ambayo inafuatilia hawa watu kwa sababu hiyo shughuli haifanyiki sawasawa. Kuna tashwishi kidogo na hao watu wawe wakifanya

kazi kama ya barabara, rural access roads, kwa mashule na kwa hospitali

**Geoffrey Sichei:** Mimi kwa majina naitwa Geoffrey Sichei. Niko tu na machache ya kuweza kutoa nayo ni kuhusu police authority acts. Naona watu wengi wanashikwa na wapowekwa cell wanawachwa bure bila serikali kuwaangalia, ikiwa watawachwa bure wawe compensated.

Ya pili ni kuhusu introduction of the Constitution kwa wanafunzi wa shule ili pia kila mmoja awe anaelewa sheria kwa sababu tunasema ignorance is no defence kwa hivyo lazima wanafunzi pia wa high school wafundishwe Constitution.

Lastly tuwe na freedom of holding meetings kwa sababu kule nyumbani mzee akitisha meeting ya watoto wake ati mpka uchukuwa permit kwa police. Nafikiri sina mengi ni hayo tu.

**Speaker:** Thank Mr. Chairman but I am sorry that you are being strict, we are being given such a short time but I would

**Com. Zein:** Mzee wangu hiyo dakika umechukuwa kueleza hiyo story ungekuwa tayari unatoa mapendekezo

Lakini nasikia aibu kwa kukumbishwa haraka haraka

**Com. Zein:** Utasubiri uwe wa mwisho nikupe mda mrefu? Mimi na-promise ukikubali kukaa mwisho nitakusikiza hata nusu saa tuwape wengine fursa

Ukiwa wa mwisho ndugu yangu nitakupa mda useme vile unataka.

**Moses Kiterieneuno:** Com. Mwenye kiti, majina yangu ni Moses Kiteriennon, napendekeza ya kuwa nchi yetu inakuwa maskini kwa sababu ya ukimwi na kadhalika. Kwa hivyo kukiwa na kifo, maiti asikae kwa nyumba siku mbili, akae siku mbili na azikwe. Kama tungefuta vile Tanzania inavyofanya.

Ya pili, education in secondary school should be from form one to form six kwa sababu watoto wanamaliza na miaka kumi na saba form four, tunakuja kufanya naye nini nyumbani? Form five form six iwe na watoto waendelea.

Ya tatu na ya mwisho, mwaka jana tulisoma mambo ya kusikitisha kwa gazeti ya kwamba serikali yetu ya Kenya ili- import three hundred million ati condoms wakenya wajikinge kutokana na ukimwi. Hiyo ni kupinga Mungu, hiyo ni ukatili kabisa na serikali ambayo inapinga Mungu haitadumu. Tusinunue kabisa, asante.

**Charles Kiboi:** Bwana Commissioner na Chairman, nimeshukuru vile mumeingia. Mimi niko na neno moja hapa. Jina langu naitwa Charles Kuboi kutoka Kipsiro. Pendekezo langu ni juu ya sheria ya wanawake, wanawake wakiwa wamepatikana na makosa na wapelekwe kwa cell ama police station, siyo mzuri wapelekwe na watoto kwa sababu watoto hawana hatia, wapatiwe ma-bonds ikiwezekena.

Ya pili, cells waweke ziwe safi, waweke usafi uwe wa hali ya juu, ya kibinadamu. Hata waweke vitanda na kila kitu kwa sababu huyo ni mwanadamu.

**Com. Zein:** Ukipata cell una maisha matamu si watu hawataogopa kwenda kule?

**Charles Kiboi:** Watapelekwe cell baada ya kufanyiwa uchunguzi

Halafu ya tatu nilikuwa napendekeza kuwa katika kila wilaya, serikali itenge shamba ya maonyesho ya kilimo kwa sababu huo ndio utu wa mgongo wa maisha ya binadamu. Ni hayo tu.

**John Cherok:** Jina langu ni Johnstone Cherok: Ya kwanza ni kuhusu yale ambao yalikuwa ya mezungumziwa, zaidi nataka nitaje point ingine tofauti kwa hayo maneno ya shamba yetu ambayo ni ya Trans- Nzoia. Iwe katika Katiba kwamba hiyo shamba ni ya Wasabaot vile iko, hiyo ni tofauti na vile watu walisema tupewe kwa sababu tukisema tupewe, tupewe kutoka kwa nani na shamba ni yetu? So that sheria ikisema hivyo itakuwa ni hatia kwa yule mtu ana claim kwamba ni yake na sheria itafanya kazi kuondoa yeye huko hiyo itakuwa ni kama robbery with violent.

Inginge nataka niguzie upande wa walemavu. Unajua hii Kenya yetu tukisema walemavu wapewe employment kama watu wengine saa ingine hakuna employment. So tunataka tu kama iko employment wapewe lakini wale ambao watakosa employment wapewe mshahara.

Halafu wengine ni kuhusu civil servants, wale wafanye kazi wa serikali. Kuna wengine katika ranks huwa wanatofautiana kwa

mshahara kama za maneno ya allowances kama za medical. Sasa nataka maneno ya medical allowance itolewe na iwe hata kama mtu ni mkubwa kiasi gani, kwa sababu ugonjwa ni ugonjwa, kama allowances ni elfu kumi ya medical, iwe ni elfu kumi kwa yule mtu hana cheo kwa sababu ugonjwa ni ugonjwa.

Ya mwisho ni maneno ya tax. Kuna watu ambao- nasikia Minister ama sijui nani huwa wanapewa wakinunua gari kutoka popote wanaingizwa tax free. Nataka kama vya makanisa, kwa sababu wanaweza kuleta vitabu vyao vi-benefit watu, iwe pia tax free halafu watu pia ambao wana.....

Halafu ile kazi nitafanyia hapa Kenya sasa nipewe tax kidogo kidogo asante.

**Maurice Chepkeke:** Jina langu ni Maurice Chepkeke. Pendekezo langu ni kuhusu Rais. Rais anatakikana apatiwe Province, kila Province ipate hicho kiti kama kwa miaka kumi.

**Com. Zein:** (inaudible)

**Maurice Chepkeke:** Province ingine ama District kama ya Mt. Elgon. Lingine ni kuhusu walimu. Walimu inatakikana mwalimu naye apigwe transfer kwa sababu walimu ambao wanafunza sisi watoto wetu nyumbani hapa hawafundishi watoto vizuri watoto wao wanasomea academy schools na wetu wanasomea shule. Hata afadhali yeye akuwe huko mbali na wake naye wasomee hapa nyumbani.

Langu la nne la mwisho kuhusu maneno ya kama forestry kuhusu maneno ya forestry sisi tunaomba serikali ya kwamba itupatia ngombe yetu ikula huko free kwa sababu ndiyo tuseme hivyo wakati moto inalipuka huko musutuni sisi watu wa hapa karibu ndiyo tunaumia zaidi. Kina Dc wanakula pesa allowance free na sisi tunaumia. Yangu yamekwisha.

**Com. Zein:** Wewe sema kwamba unataka watu wa hapa wanufaike na misutu na rasilimali ya watu walioko hapa. Hiyo ndio unasema, sawa?

Vijana nyinyi mumekuja mumechelewa, siyo? Munasikiza, basi munatakiwa muwe kimya kabisa saa zile kazi inaendelea,

msizungumze huko nyuma.

**Kirube Kimai:** Bwana Commissioner, jina langu ni Reuben Kimai Kipkelele. Mambo yangu yalikuwa matatu lakini kwanza nitanza na watoto weruvu kutoka kwa jamii maskini wamekosa kuendelea na elimu kwa sababu wamekosa msaada. Ningependa wakuwe identified from primary school to secondary school na wapewe kitu kama bursary. Bursary imekuwa kitu ambacho kina upendeleo. Serikali ichukuwe jukumu la kuwatumbua na kuwaelimisha. Ya pili term ya President, kama ni African culture, hatutaki mambo ya kutoka ng'ambo. Tunataka African culture ya kusema anaendelea hata miaka 30 bora watu wamupigie kura .

Inginge ni kwamba kila mwanakenya, kuhusu urithi wa shamba kila mwanakenya awe na atleast heka mbili, asiwe bure.

Land title deed ipeanwe free. (interjection) Unisamea kwa sababu nimeanda mbio wacha nimalize moja hivi. Ningependekeza kuwa hii Commission, baada ya kila miaka tano mnaendelea ku-review tena vile munafanya saa hizi ili kama kuna mabadiliko, iendeleo hivyo. Halafu kwa upande wa proceeds au mapato ya rasilimali, kama vile watu ambao tunaishi karibu na forest ama wale wana rasilimali zao kwa mfano kama Kisumu watu wana samaki tupewe advantage ya 80%. Kama ni ku-exploit the forest, exploitation ya forest, kama ni biashara tulipe tu 20% bila malipo yeyote. Lakini mtu yeyote kutoka outside the District ya hiyo rasilimali alipe 80%.

**James Morogo Bera:** Basi kwa ufupi mwenye kiti wa Tume hii, yangu ni machache ni nitaanza kwa jina , jina ni James Morogo Bera.

Pendekezo la kwanza ni kuhusu upande wa elimu ningependa elimu, irudie ile ya old system 7-4-2-3 halafu wale ambao wanahusika kwa kusahisha mitihani wawe independent body kwa sababu Tumekuta kuna crisis kwa results halafu pengine baada ya hiyo yule ata-excel kwa examination apatiwe ile nafasi sio watoto peke yao pengine kutoka kwa jamii kubwa.

Ya pili upande wa health, iwe free kwa everybody.

Upande wa roads pesa zitolewe kwa central government zije direct to local government na independent body waruhusiwe ku-manage hizo funds.

Basi nimeshukuru kwa hayo machache.

**Com. Zein:** (inaudible)

**James Ndiema:** Mimi kwa majina naitwa James Boiyo Ndiema. Maoni yangu, tuna wazazi ambao walitoa mchanga na walikuwa wameahidiwa ya kwamba watapata mchanga mwiingine wa shule. Sasa walikosa hiyo mchanga na tunaomba serikali iwangalie hao kwa mashamba ya Trans Nzoia, wapatie wale wazazi kwa sababu hawana mahali pa kulima.

Ingingine, tunaomba serikali itupatie ruhusa ya tukate ile miti inaitwa dead wood halafu tupande ingine mahali pale na hiyo dead wood ipasuliwe watengenezee watoto madawati yaani desks.

Ingingine mwanamke na mke wakitaka kuachana tunaomba serikali warudishe hayo maneno kwa wafanye maneno hayo nyumbani mbele ya chief au sub-chief.

Lingine, mimi naombea Wasabaoti wa taifa hili Mungu awape yule mtu ambaye atakuwa kiongozi anayejali masilahi ya wananchi wa Kenya.

**Nashion Ruto Sulo:** Mimi kwa majina naitwa Nashion Ruto Sulo . Mimi kwa maoni yangu pendekezo langu kwa Katiba ijayo, Mungu akipenda kwa wale MPs ambao tunawachagua- kwa maana Tumewaona wakienda kwa Parliament wengi wanaenda kukaa Nairobi hata na wajali masilahi yetu hapa nyumbani kwa hivyo Katiba ijayo sisi kama wanakenya tuwe na vote of no confidence wakati tunataka kuondoa yeye kutoka kwa kiti.

Ya pili ni juu ya land. Mchanga wetu katika Kenya ulikuwa surveyed in 1966 na ningependekeza kwa Katiba ijayo serikali yetu ya Kenya ikubali na tukubali mchanga wa Kenya uwe re-surveyed upya mpya ili title deed with title deed ipeanwe upya .

Tufute zile ziko zamani zote za na tuanze upya, hilo ndio pendekezo langu kwa Katiba ijayo kwa maana za sasa z imeleta corruption ----

**Com. Zein:** (inaudible )

**Nashion Ruto:** Sasa nitasema hivi niseme mimi naitwa Nashion. Mimi Nashion nilipewa shamba na nina title deed. Nimezaa mtoto wangu anakaa kwa hiyo shamba, hajapewa title deed Mtoto amezaa mtoto ako kwa hiyo shamba na hajapewe title deed. So there is a chain of people living on that farm but landless because they don't have the title deeds. Au saa zingine nimekufa na hao watoto nimeacha hao wote wafikiriwe kwa hiyo shamba na wagawe shamba.

Ya tatu ni MPs members of Parliament wamejiongezea salaries nasi hawana roho ya kibinadamu. Kwa hivyo ningesema next Katiba iweke flat salary.

**Com. Zein:** Nani aweke?

**Nashion Ruto:** Ni wananchi yes,

**Com. Zein:** (inaudible)

**Nashion Ruto:** Hapana hapana hiyo hatuwezi kukata hiyo kwa sababu hiyo ni ya serikali, waweke tu flat salary.

Ya nne , sitaki ku-waste your time, ninataka kuomba Commission, I;e mda mupewa for Constitutional ni mfupi sana na kwangu natoa pendekezo kuwa ikiwa inawezekana, wacha election katika Kenya ien na kazi delea na Commission kazi iendelea katika Kenya.

Mwisho, Katiba katika Kenya ielimishwe from primary level to university level. Nafikiria kwa hayo machache Mungu awabariki.

**Com. Zein:** (inaudible)

**Moses Kirui:** Kwa majina mimi naitwa Moses Kirui. Langu la kwanza ni hili, ningependa wakati mtu anapoandikia bondi na police na hana means ya kufika kotini, serikali iwakumbuke kutoa means ili mtu aende kotini kwa sababu kuna wale hawajiwezi, hawana pesa za kwenda kotini waweze kusaidiwa.

Wapewe warranty ya kwenda kotini.

Yaani nasema kwa sababu wakati huu sisi koti bado iko mbali na bado tutaumia kwa sababu kuna wengi hawana kitu cha kuendea huko kwa hivyo wasidiwe.

La pili, pia mlalamishi ambaye hana chochote na kesi yake ni ya haki na hana uwezo wa kufika kotini pia aweze kusaidiwa.

Ya tatu, wakati askari amekuja mpka kwa nyumba ya mfanyi biashara, na hajapata mwenyewe pale, inatakikana aone village elders ili aandike makosa ambayo yako pale ili yule akija aonyeshwe kwa sababu wengi saa hii wanafanya ya kwamba waandika bond na kuandika ya kwamba amekata ku-sign na hakupata mtu pale. Kwa hivyo tuweze kusaidiwa kwa njia hiyo.

La kumaliza Bwana Commissioners, sisi wakati watu wanafanyiwa settlement yetu hapa Mt. Elgon, tunaambiwa ya kwamba lazima upate allotment letter ndio uingie kwa shamba na sasa hiyo system ya allotment letter iondelewe kwa sababu watu wenye walipewa wanazidi kuongozwa kwa sababu ya kupeana pesa.

**Com. Zein: (inaudible)**

**Moses Kirui:** Iachwe kwa sub-location level, wazee waangalie

**Com. Zein:** Kijana kuja hapa utaje jina lako, utaje age yako, utaje darasa lako, utaje mambo yako

**Francis Kapsin:** Asante sana mwenye kiti. Jina langu ni Francis Kipsini niko kidato cha nne – form four shule ya upili ya Kapsokwony High school.

Nina hoja tatu hivi ambazo nataka nitoe. Moja ni kuhusu kwa nini serikali au idara ya elimu walitoa kiboko katika shule,

**Com. Zein: (inaudible)**

**Francis Kapsin:** Hakuna mwalimu yeyote ameniambia ila ni mimi mwenyewe kwa sababu nimeona nidhamu imepotoka

kiboko kirudishwe shuleni.

Pia ningetaka nijue kwa nini wametoa mtihani ya wilaya. Ningependekeza kwamba mitihani ya wilaya irudishwe isiwe ya ndani peke yake. Pia ningependekeza ya kwamba Katiba kama tunataka President ambaye hajapita miaka hamsini nataka President ambaye bado ni chippukizi.

**Com. Mosonik:** Yes, na kuanzia miaka mingapi

**Francis Kipsin:** Kwanzia miaka 35 na kikomo iwe 50 years.

Pia ya mwisho kabisa, ningetaka ya kwamba haswa Councillors wako nyumbani, nataka Councillors ambayo wameelimika mpaka kidato cha nne. Si councilor ambaye anatoka nyumbani na alifika Standard eight, akishika gazet hajui haa gazeti inakaa namna gani.

**Com. Zein:** (inaudible)

**Francis Kipsin:** Huyo ni afadhali kuliko amekwamia kwa darasa la nane.

a daraza la nane.

**Kwalia:** Naitwa Isaac Kwolia from Kapsokwony high school niko form four West.

Okey according to education system, we see that we take a long time before we sit for the National Examination. So I wish that after two years the National Examination is done, thus at form two and form four.

The other thing, I would like the Ministry of Education to make sure that students are treated free.

Okey, the last one concerns the customary laws. Usually it is the sons who pay sowry. I think the daughters should also pay dowry.

**Com. Zein:** (inaudible)

**Peter Naibei:** Mimi ni Peter Naibei, niko form four West. Ningependelea waandike kwa Katiba hivi, wafanya kazi, civil servants wafanye kazi kwa miaka kumi kwa sababu (interjection)

Ya pili, Mbunge aliyechaguliwa, for example kama wilaya ya Mt. Elgon, lazima atembelee shule zote hata secondary ili ajue maendeleo ya hizo shule na wanafunzi pia wapate juhudi ya kusoma kwa bidii kwa sababu wabunge hata hawajui ma – secondary schools katika constitutencies zao.

**Com. Zein:** (inaudible)

**Micheal Chebusi:** Jina langu ni Micheal Chebusi, niko kidato cha tatu, Kapsokwony high school. Langu ningependelea Katiba ijayo, kwa wanafunzi, kiboko kiondolewe kabisa kwa sababu mtu kama mimi wa secondary, hata wakinipiga kiboko kwa ajili ya kukosa kufanya assignment, haiwezekani. Ningependelea tu mwanafunzi akifanya makosa apewe kazi kama kupalilia maua kwa assembly na sio kupigwa. Ningependelea yaani kazi zile ziko nje rahisi rahisi sio kuchapwa.

La pili ningendelea wanafunzi wa secondary, kitu chenye kinafanya wanaanguka mitihai sana ni kwa sababu ya overload za subjects. Ningependelea mwanafunzi akifika secondary apunguziwe subjects ziwe kama tatu, achaguwe zile zenye anaweza kufanya sio kufanya zote. Yangu ni hayo tu.

**Collines Mego:** Mimi naitwa Collins Mego. Ningependekeza hivi; wanafunzi ambao wanapatikana wakikunywa pombe ovyo ovyo wangepungwa karibu wiki mbili hivi.

**Com Zein:** (inaudible)

**Collines Mego:** Halafu serikali ilipunguz a ma-subject na hizo ambazo walipunguza zilikuwa hobbies wanafunzi wengine. Sasa ingefaa kama zingerudishwa kitu kama agriculture, music, hizo ni hobby za watu wengine.

**Edith Nakoko :** Okey kwa majina naitwa Edith Nakoko. Kuna maoni ambayo ningependekeza. Katika Jamhuri yetu ya Kenya tuko na ile pombe inaitwa wine, pombe ile ambayo inakunywa na matajiri sana. Halafu kuna ile pombe inaitwa chang'aa wakapindua wakasema pombe ya haramu. Hiyo ndio sasa police huwa wanasumbua raia kuwashika mara kwa mara na kuwapeleka kotini. Mimi naonelea kwamba kwa vile serikali imejaribu sana kushika watu na hiyo mambo imechangia watu kuwa maskini na kupelekwa koti, hiyo pombe ingepinduliwaa iwe huru watu wanywe. Kwa sababu serikali imejaribu na imeshindwa. Kwa sababu chang'a iko Uganda wanakunywa chang'a iko huru. Halafu pia busaa, kule Uganda watu wanakunywa busaa na hapa Kenya wanasema ati watu wakiendelea kukunywa busaa ati ukimwi utaendelea na ukienda Uganda (interjection)

La mwisho, kuna mambo ya udungaji mimba kwa watoto wasichana. Ningelipenda ya kwamba mtu akipatia mtoto wa mtu mimba yeye apatiwe faini kwa sababu kuna wale watoto wanaitwa chokora watoto hao wanasumbua serikali sana. Natala mhusika ahukumiwe. (inaudible).

**Com. Zein:** Bwana Nakoko ndiye alikuwa mtu wa mwisho kutumaliza kikao chetu, nawaomba nyinyi munipe fursa hii nirudi kwa mwenye kiti wetu.

**Com. Mosonik:** Kufika hapa wananchi wenzetu Tume fika mwisho wa kikao rasimi cha Tume ya kurekebisha Katiba ya Kenya, kikao cha kwanza katika Mt. Elgon Constituency. Vile tulieleza ni kwamba mahali tungekuwa kesho, Cheptais secondary school tutaenda Jumamosi tarehe tatu mwezi wa nane. (interjection)

Kama mnavyojua mkoa wa Magharibi Western Province kulikuwa mkoa wa mwisho kutembelewa na Tume. Tulianza mwezi wa nne katikati hivi, na Central Province, Tumeenda mikoa yote. Tunataraji kumaliza hapa wiki ijayo, halafu turudi kwa Commission tuketi na kuanza kutengeneza ama kuandika report ya kila Constituency, inaendelea katika hata sasa huandikwa kwa constituency ama mkoa ile ambazo tulienda mapema. Tutandika report ya Constituency yenu halafu tuwatumie report musome. Tutakuwa na haba kwamba kwa mfano tulikuwa hapa tarehe ya leo na watu wangapi walihudhuria kikao, watu wangapi walipeana maoni kwa njia ya maandiko, memorandum kwa kusema na mdomo oral submission, watu wangapi

wengine walihudhuria na kadhalika. Tukiwa Tumemaliza tutawatumia musome.

Kitu cha pili, tutaandika report ya taifa yaani kunganisha report zote za Constituencies zote pamoja na mambo mengine mengi kuhusu kurekebisha Katiba. Hiyo report ikiwa tayari ndio tutaichapisha kupitia gazete rasmi ya serikali inaitwa Kenya Gazette. Na kulingana na sheria ya wakati huu tunatakiwa tuichapishe kwa muda wa siku sitini ama miezi miwili, hiyo report ya taifa. Yaani kuchapisha ni kama ile notice ya ndoa kwa DC ama kwa kanisa siku ishirini na moja yetu itakuwa ni siku sitini ili mpate nafasi kuanza kusoma report ya Constituency yenu, ya pili, kulinganisha na report za Constituencies zingine.

Na tukiwatumia report ya taifa tutakuwa Tumeandika ndani yake mapendekezo yetu, kama Tume kwa mkutano kuu wa taifa inaitwa National Constitutional Conference na ya maana hata zaidi ni kwamba sasa tutakuwa na Katiba kwa maoni yetu tutakuwa na mapendekezo yetu kuhusu Katiba. Hiyo tutaandika Katiba ni kumanisha, ni kusema kwamba kulingana na maoni ya raia vile yako kwa report ya Constituencies na report ya kitaifa, tunaonelea kama Tume kwamba Katiba mpya ya Kenya ikiwe namna hiyo. Mutaweza kwa hivyo kusoma report ya Constituency, ya taifa, pamoja na Katiba mpya kwa hizo siku sitini na kujadiliana kwa Constituency na tena kuwapa wawakilishi wenu ambao wataenda mkutano mkuu wa taifa instruction, amri .Tumesoma Katiba mpya hivi na tunapendekeza ama tungetaka nyinyi mwende kwa mkutano mkuu msemi hivi ndio tuna siku sitini.

Baada ya hizo siku sitini tutakuja kwa mikoa ma- Commissioners watagawanyika vile tuko sasa kama watatu watatu hivi wakienda miji mikuu ya kila mkoa wa Kenya siku mbili siku tatu kuyasikiza maoni ya wananchi. Kwa mfano kama kwa Constituency yenu, mnaona kwamba tulikosea kwa kuandika report yenu mnaweza kuwatuma wajumbe wenu waje Kakamega na kusema hapana mulikosea na kadhalika.

Baada ya hapo ndio tutaita mkutano mkuu wa taifa, National Constitutional Conference ya watu kama mia sita ishirini na kitu. Wajumbe wote wabunge watakuwa kwa mkutano, wawakilishi watatu wa kila wilaya, wawakilishi wa vyama vya siasa 41, vyama hivi vitakuwa vimesajaliwa mwezi wa October mwaka wa 2000 tulipoanza kazi kama Tume, wawakilishi wa NGOs ama Civil society na wengine, Ma- Commissioners watokuwa hapo, hao watu mia siki ishirini hivi ndio watajadiliana na

kukubaliana kuhusu Katiba. Inatakiwa wakubaliana kwa kauli moja wakikosa kukubaliana kwa kauli moja ndio watapiga kura kwa maswali ya kikatiba. Inatakiwa wapige kura na kupitisha kwa kile kinaitwa two third majority kwa kingereza. Okey, kama watu mia nne kati ya mia sita kwa maswali ama maswala ya kikatiba.

Maswala ni kama maneno ya agender, ya kina mama, yawe kwa kurasa ya kumi au ishirini, hiyo si ya kikatiba kwa ajili Tumekubaliana tayari kwamba maswala ya kina mama yatokuwa kwa Katiba lakini kuna kurasa gani? Watatakiwa kupitisha kwa inaitwa simple majority. Mkutano huo ndio sasa utapitisha Katiba mpya. Wakikosa kusikizana ndio mutaitwa kwa kura ya maoni, inaitwa National Referendum, siku sitini baada ya kumalizika kwa mkutano mkuu wa taifa ndio raia wenyewe wamue kuhusu maswala yanayobaki. Halafu twende turekebishe Katiba kulingana na hayo maoni vile watu walipigia kura. Halafu baada ya hapo mswada unaelekezwa Bunge, hii itaelekezwa Bunge na Bunge lipitisha ndio iwe Katiba mpya ya Kenya. Hiyo ndio kazi imebaki, tunataraji kwamba mtuaendelea kwa makini kujadiliana na maneno haya, bado mna vijitaba na maswala mengine kwa ajili tutarudisha hiyo Katiba kwenu ndio muangalia. Kwa hivyo hiyo ndio kazi imebaki, sijui kama wenzangu wanataka kuongeza chochote. Madam, can you take the microphone please?

**Nancy Ngeiywa:** My names are Nancy Ngeiywa, I have a small request to make now that you have mentioned about three people being taken to Nairobi for the final work. Since in Mt. Elgon we have Teso, Bukusu na Sabaot, but there is Teso and there is Bungoma District and of course there are other Bukusu in Trans Nzioa, my request would be since they will be represented from those other Districts, those that will be from Mt. Elgon should be the local indigeneous community, that is the sabaot. Thank you.

**Com. Mosonik:** Siwezi kusema chochote kuhusu ombi lile ila kusema tu kwamba nyinyi wenyewe mtawachaguwa hawo wajumbe watatu, mmoja lazima awe ni mama, mmoja anaweza kuwa Councillor siyo lazima, lakini ikiwa mmoja ni Councillor, isizidi mtu mmoja. Halafu mwingine wa tatu ndio wawe wa-tatu watateuliwa kupitia county council ndiyo Councillors watachagua lakini kupendekeza wale watapendekeza mmoja. Mtu wa kwanza kupendekezwa anaweza kuwa ni Councillor na mtu wa pili awe ametoka nje ya council ama the opposite way so they can be nominated by Councillors but ni nyinyi wenyewe mutatatua maswala kama hayo. Lakini tunataraji tu kama Commissioners kwamba mtatuma the sharpest

representatives from your area, from the Districts in your Constituency because it is important what they do when they get there. We have noted your sentiments, the Commission will have an opinion, mtatoa hawa watu mta-nominate lakini tukifikiria kama Tume kwamba mumekosea kwa njia fulani tuna haki ya kuingilia swala na kutatua. So we have noted your points but the thing is, the decision belongs to you ultimately through the organ of the county council. I think bila kuongeza ningependa tena kurudia kwamba kwa niaba ya wenzangu wa kutoka Tume, niwakumbushe tena Commissioner wa upande wangu ni Abubakar Zein, Commissioner wa upande huu mwingine ni Isaac Lenaola, mimi ni Commissioner Mosonik Arap Korir. Huyu Programme officer ni Hassan Mohamed, yule alikuwa anamusaidia kuandikisha pale ni Joyce Wamucii na the Verbatim Recorder who has had a lot of problem sitting in the corner is Marion Nekesa. Tunawarudisheni asante we look forward to seeing you another time and on Saturday also those who could not present the views here by the way I think you should be free to come to the other venue because it is your Constituency and at this point I think I should hand over. In the morning we were introduced to the members of the 3Cs, we know that there were civic education providers. We would like to thank them as a Commission the members of the CCC starting with your MP and then the District Co-ordinator and the other members who did Civic Education despite all the problems. And then the Administration and we went to the DC's office this morning and he was kind enough to receive us and we were informed by the District Co-ordinator of the role that the Administration has played in making all these possible. For this high school, where are the owner, of the institution? Maybe you will say a word before we close. I will hand over to you and then we shall get the Co-ordinator to get somebody to pray for us. Thank you everybody and we have enjoyed being with you.

**District Co-ordinator:** As the Speakers have said tafadhali muende huko na mjaribu kuongea yale ambayo yamebaki. Kwa mambo ya watu watatu ambao watachaguliwa kwenda Nairobi, mumeona vile mama amesema leo, wanaume walinyamaza, najua wakituma mama mambo ni mbaya. Kwa hivyo bwana mwalimu unaweza kuongea kidogo ----

**Gregory Ngeiywa:** Asante sana bwana Chairman Commissioner, Commissioners wenzako na wenye munafanya kazi na wananchi wenye wamebaki wametulia mpaka saa hizi. Mimi langu ni kusema Tumefarahi sana mumekuja hapa leo, the whole day mumetulia pengine na njaa lakini wananchi wametoa maoni yao. Nadhani this is the first as I said earlier on for the Sabaot to have a free discussion with Commissioners like this. So we thank you very much and we wish that in future the

Commission should just continue so that we rekebisha things here and there before they go too far.

We also thank you, we have given you something small, the use of our facilities so wananchi pia wametoa maoni hata nimefurahi nimesikia wanafunzi wangu wengine wakisema machache hapa na pale, nimefurahi pia na nasema mwende salama halafu mrudi tena Cheptais on Saturday, asante.

**Com. Mosonik:** Maybe just before you sit, if you could just say your name and your position for the record please.

**Gregory Kweimoyi Ngeiywa :** My names are Gregory Kweimoyi Ngeiywa although Ngeiywa Ngeiywa is a corrupted name by the Wazungus Ngeiywa as I follow what my father called me and I am the Principal of Kapsokwony High school.

**Com. Mosonik:** Asante sana, we are recording and now I hand over to the District Co -ordinator Mr. Bramwel Murugulu to get somebody to close with a prayer.

**Bramwel Murugulu ( District Co-ordinator: )** Basi tutamualika Bwana Iggai atuombee

**Iggai: (prayer):** Let us stand on our feet. Lord we thank you because you have been with us since this day began. The bible says you are the Alpha and Omega you have revealed yourself since the beginning of this meeting. You said that in a the multitude of Councillors the matters shall be established Lord there are many Councillors that have been here and they have spoken with much inspiration. We believe Lord that everything they have put in place shall be established. We see a developed nation we see a nation of a full Constitution, we see a bright nation, we see a nation of peace, we see a nation, that will be an admiration to the surrounding. We thank you for the peace that has prevailed in this nation, we thank for the smooth running of the whole programme , we thank you for the Commissioners, we thank you for the grace you have given to them to stay all this time. We thank you, we return all the praise to you I want to pray that each and everyone that has stood here since morning up to this hour, as they leave this place, you are the God that protects each one of them. I pray that as they leave this place there will be no accident on the way, they may have a smooth going and you may protect them as they move to the next

stations, so that this nation shall be a very wonderful nation. Father we thank you because you have heard in the name of Jesus Christ. Amen.